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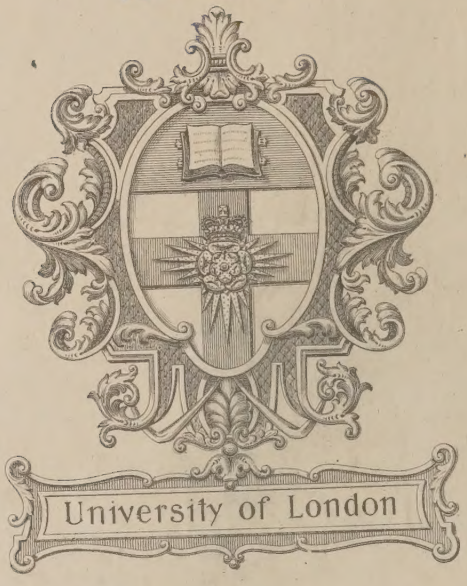

REPORTS

FROM

COMMITTEES:

SIXTEEN VOLUMES.

—*(11.)*—

MANOR COURTS (IRELAND).

Session

31 *January*—— 17 *July* 1837.

VOL. XV.

1837.

REPORTS FROM COMMITTEES:

1837.

SIXTEEN VOLUMES:—CONTENTS OF THE

ELEVENTH VOLUME.

N. B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

MANOR COURTS (IRELAND):

494. REPORT from Select Committee appointed to inquire into the Operation of the SMALL DEBT JURISDICTION of MANOR COURTS in *Ireland*, the Abuses which may exist therein, and the Remedies proper to be applied; with the MINUTES of EVIDENCE, APPENDIX and INDEX - - - - - - - - - - - - p. 1

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REPORT

FROM THE

SELECT COMMITTEE

ON

MANOR COURTS, IRELAND;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
10 *July* 1837.

Veneris, 10° *die Martii*, 1837.

Ordered, THAT a Select Committee be appointed to inquire into the Operation of the Small Debt Jurisdiction of Manor Courts in Ireland, the Abuses which may exist therein, and the Remedies proper to be applied.

And a Committee was appointed of,—

Mr. Morgan John O'Connell.
Mr. Attorney-General for Ireland.
Mr. Lynch.
Mr. French.
Mr. Emerson Tennent.
Mr. Wyse.
Mr. Jephson.
Mr. Hamilton.
Mr. Lucas.
Mr. Villiers Stuart.
Mr. Vesey.
Sir Edmond Hayes.
Mr. Mackinnon.
Mr. Brady.
Mr. Bridgman.

Ordered, THAT the Committee have power to send for Persons, Papers and Records.
Ordered, THAT Five be the Quorum of the Committee.

Lunæ, 10° *die Junii*, 1837.

Ordered, THAT the Committee have leave to report their Observations, together with the Minutes of Evidence taken before them, from time to time, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the Operation of the Small Debt Jurisdiction of MANOR COURTS in *Ireland*, the Abuses which may exist therein, and the Remedies proper to be applied, and who were empowered to report their Observations thereupon, together with the MINUTES of EVIDENCE taken before them;—HAVE examined the Matters to them referred, and have agreed to the following REPORT:

YOUR Committee have proceeded to inquire into the subject referred to their consideration, and have examined Witnesses from different parts of Ireland, some bearing testimony to the good working of particular Manor Courts, others stating objections to their practice in individual instances, or to the system on which they are founded. The sudden termination of the Session having rendered it impossible to pursue the inquiry further, Your Committee feel that, although very important facts have been elicited, and valuable suggestions made, they could not, on a partial view of the question, concur in recommending any measure to The House.

They have, therefore, agreed to report the Evidence taken before them, and to suggest the expediency of a renewal of the inquiry in a future Session.

10 *July* 1837.

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MINUTES OF EVIDENCE.

Mercurii, 15° *die Martii*, 1837.

MEMBERS PRESENT.

Mr. Brady.	Mr. Jephson.
Mr. Bridgeman.	Mr. M. J. O'Connell.
Mr. Hamilton.	Mr. Vesey.

MORGAN JOHN O'CONNELL, ESQ., IN THE CHAIR.

Philip Fogarty, Esq., called in; and Examined.

P. Fogarty, Esq.
15 March 1837.

1. *Chairman.*] WHAT opportunities have you had of being acquainted with the practice of manor courts in Ireland?—First, as a practising barrister on the Leinster circuit, several cases of appeal from manor courts on that circuit have come before the Judges, in which I have been professionally concerned; and, secondly, in my character of commissioner, upon the Irish Corporation Inquiry, I had occasion to inquire into the practice of several manor courts, which were held within the boundaries of corporate jurisdictions; and also, upon criminal proceedings before me as assistant barrister for the county of Antrim, I have had occasionally to inquire into the course of proceedings in those courts in that county.

2. You were commissioner of corporate inquiry upon the southern circuit?—Yes, Mr. Lyle and I were the two commissioners upon that circuit; Mr. Acheson Lyle, the present Second Remembrancer of the Exchequer.

3. To what counties did that circuit extend?—All the county of Waterford, but the county of the city, which we did not visit; all the county of Cork, and one town in the county of Limerick, Kilmallock. There are several manor courts held within corporate towns in that district, all which towns had been anciently corporate towns.

4. Can you mention the towns in which you found manor courts existing?—In Baltimore, the manor court was not held within the precincts of the borough, though the manor is within the town of Baltimore; the manor court was held in a more central situation, and we did not particularly inquire into the practice of that court, as it was not held within the immediate jurisdiction of the ancient corporation. In Bandon Bridge we found that within the town itself two manor courts were held for two several and distinct manors. In Castle Martyr, there was a manor court within that town, which had not recently, at the period of our visit, been in active operation, but which had, upon a former occasion, held plea. In Charleville, there was a manor court in active operation. In Clough-nakilty, there was a manor court in active operation. In the city of Cork, there was a manor court held, but which had discontinued its sittings for some period. In Doneraile, where the corporation was extinct for a very considerable time, there was a manor court also in active operation. In Dungarvan, where the corporation was also extinct for a considerable time, there was a manor court also in operation. In Lismore, where the corporation was extinct, there was also a manor court in active operation. In Mallow, where the corporation also was extinct for a considerable time, there was a manor court in active operation. In Middleton, there was a manor court, as well as a borough court, and the seneschal, who had been recently appointed in Middleton, had discontinued doing business for some short time. In Rathcormac, there is a manor court, but to what extent it does business we did not particularly inquire. In Tallagh, there had been a manor court, but since the law passed requiring the seneschal to give security, the seneschal, who had been appointed by the Duke of Devonshire, ceased to do business, either not having been able to procure security under the statute, or not thinking it worth while to do it. These are the towns in which we found manor courts upon that circuit.

5. What was the nature of the jurisdictions exercised by such courts, and in what

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what respect did they differ among themselves?—We found three several species of jurisdiction exercised by the several manor courts. There were under the charters two distinct species of jurisdiction, quite distinct from the statutes; the first under the charters, was the common law jurisdiction, in which the courts proceeded according to the rules of the common law, by regular pleadings, and by either attachment against the goods, or a capias against the person, in which declarations and pleas were filed, and all the proceedings carried on according to the course of the common law, as in the superior courts. In those cases the jurisdiction varied according to the original charters, which varied generally from five marks to 200*l.* upon our circuit. As far as we could procure copies of the charters under which the manor courts were respectively held, I will state the several manors in which this common law jurisdiction was exercised: the first is Castle Martyr. I am not aware of the extent of the jurisdiction possessed by the manors which are situated within the town of Bandon Bridge. In Castle Martyr, the common law jurisdiction extended by the charter to 200*l.* Irish. In Charleville, it extended also to 200*l.* Irish.

6. Those are what are called in the charters creating these manor courts of record?—Yes; in Dungarvan I did not see the patent, but there was a jurisdiction exercised there according to the course of the common law, and it was exercised so high as 6*l.* Irish: I am not prepared to say whether that was the limitation in the patent. In Lisburne I did not see the patent, and I cannot say whether that was a common law jurisdiction: in point of practice there the jurisdiction was only exercised to 40*s.* In Middleton there was a common law jurisdiction to the amount of 200*l.*

7. What was the second species of jurisdiction?—The second species of jurisdiction conferred by the charters is the jurisdiction of a court baron, which does not exceed 40*s.* Irish, and which is exercised by summons, to be tried before the seneschal and a jury.

8. What is the third species of jurisdiction?—The third jurisdiction is the jurisdiction conferred by several Acts of Parliament giving power to manor courts to proceed by civil bill. The two first jurisdictions are given by patent, and the third by statute: those are the jurisdictions conferred on manor courts in civil cases. There is another jurisdiction, that of a court leet, which is usually attached to manor courts, but is not a jurisdiction in civil cases.

9. Mr. *Jephson.*] Can you state, from examination of those patents, the general difference in the words by which those powers were conferred?—In the case of a court baron the jurisdiction is generally conferred, as well as my recollection serves me, simply by granting the power of holding a court baron to the seneschal, to be appointed by the lord of the manor, to the extent of 40*s.*

10. Is not that sometimes called in the same patent a court of record?—Never; the court of record is quite a distinct jurisdiction; it is a jurisdiction conferred always by separate words from the grant of the court baron, and it is to hold pleas of debt; it always specifies the various species of action, and where it is to hold plea.

11. Was not there always in every grant the alternative of a court baron or of a court of record?—Not in my recollection: on reading those patents I always found that the grant of the court of record was an additional power conferred upon the lord of the manor by the patent.

12. Do you mean that whenever a court of record was granted by a patent, there had previously been the right of holding a court baron as well as a court leet granted?—I have no recollection of any case of a grant to a lord of a manor empowering him to appoint a seneschal before whom a court of record could be held, in which the same patent did not contain the grant of holding a court baron; but I know there are many instances of the converse. There are a number of instances of a grant to the lord of the manor of a power of holding a court baron without granting the additional power of holding a court of record.

13. Were they frequently in the same patent?—Yes.

14. *Chairman.*] Have you anything further to state as to the nature of the jurisdiction?—The statutable jurisdiction which has been conferred upon these manor courts of holding plea by civil bill, with the intervention of a jury, was first conferred by the statute of the 25 Geo. 3; at the period of the passing of that Act of Parliament there was no jurisdiction in Ireland for the recovery of small debts in a summary way, except such jurisdiction as was possessed by the manor courts.

15. Was there not the civil bill jurisdiction before the judge of assize?—Yes, there

there was, since the reign of Geo. 2; but the remote situation of the county towns from various parts of the county rendered that jurisdiction very nearly inoperative as respected a great portion of the county, particularly where the debts were small.

16. What statutes afterwards confirmed and extended the civil bill power of the manor courts?—There was a statute passed in the 27 Geo. 3, which did not extend the jurisdiction, but regulated it. The first statute of the 25 Geo. 3 gave a jurisdiction to the seneschals of manors in no instance to a greater amount than 10 *l.* It gave to no manor court by civil bill a greater jurisdiction than they had according to their charters, so that some manor courts, which had jurisdiction according to their charters to the extent of 10 *l.*, had civil bill jurisdiction to that extent; but other manor courts, which were limited to a sum between 40 *s.* and 10 *l.*, were limited in their civil bill jurisdiction to the same sum to which they were limited by their charters. The 27 Geo. 3 simply regulated the proceedings of the court, without at all altering the jurisdiction. The recent statutes which have been passed in the United Parliament have given a most extraordinary increase of jurisdiction by civil bill to the manor courts of Ireland. The first of these recent Acts was passed in the 7 Geo. 4, c. 41, and that statute gave civil bill jurisdiction to the seneschals of manors to the full amount of the sums limited in their respective patents, so that those manor courts in which by the original constitution of the court a jurisdiction by the course of common law was granted to the amount of 200 *l.*, were enabled by the statute of 7 Geo. 4 to exercise jurisdiction to the full amount of 200 *l.* in a summary way by civil bill, or any other amount, no matter how large, which was mentioned in the patent. However, there was this omission in the Act of Parliament, that if an unlimited jurisdiction was given by the patent, the seneschal possessed no greater jurisdiction than had been given by the original statute of 15 Geo. 3, because the word used in the statute is to the amount limited by the statute; and the 7 & 8 Geo. 4, c. 59, was passed, amongst other objects, for the purpose of explaining that particular omission; however it does not give a civil bill jurisdiction in those cases in which no limitation was introduced by the patents, but it prevents any misconstruction by stating that it should not take away their common law jurisdiction.

17. Mr. *Jephson.*] You have made a distinction between courts baron and courts of record; what advantage did the patentee gain by having his court constituted a court of record?—In the cases in which a court of record was granted, much more extensive jurisdiction was sometimes given, and also more extensive jurisdiction than in the case of a court baron; a court of record sometimes went to the extent of 200 *l.*

18. What would be the difference between a court of record and a court baron, if both had the same extent of jurisdiction?—There was this most material distinction between the two, that wherever the proceedings were carried on according to the course of the common law, there was a power of removing the case into the superior courts, either by habeas corpus or certiorari or by writ of error; so that, if the court below gave an erroneous judgment, it was capable of being reviewed by writ of error, or if the defendant, before the case had proceeded so far as judgment, conceived that the court below was an improper place to determine the matter in dispute, it was in his power to remove the case before the superior tribunal by either habeas corpus or certiorari; but in the case of the court baron, being a proceeding not according to common law, there was no power of reviewing the decisions of the seneschal's court.

19. What additional privilege was it to a patentee to grant that the court baron should be a court of record, where, as in the case you have stated of Lisburne, the jurisdiction was only to 40 *s.*; what is the usual extent of the courts baron?—There was this advantage in the course of proceeding by a court of record, that an attachment against the goods can issue in that form of proceeding, or a capias against the person.

20. Then the power of attaching the goods or the person appears to be the superior power which a court of record has over a court baron, supposing them to have the same extent of jurisdiction?—Yes.

21. In a court baron how are the proceedings commenced?—By summons.

22. Must the party summoned be resident within the manor?—Generally speaking, the original charters limit the jurisdiction to causes arising within the jurisdiction, and not to the residence of the party; so that, if the party is acci-

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dentally within the jurisdiction, he may be summoned to the court, though he should reside without the jurisdiction, and the cause can be entertained, provided the original cause of action arose within the jurisdiction.

23. How would non-attendance to the summons be punished in such a case, where the defendant resided without the limits of the court?—If the party was summoned within the jurisdiction, though he resided without the jurisdiction, the result would be that the plaintiff would proceed *ex parte*, and get his order for the payment of the money; but of course he could not enforce it without he found either the goods or the person within the jurisdiction at some future period.

24. Does that answer refer both to the court baron and court of record?—Yes, except that in the court of record, in most instances, you generally have security for payment of the judgment, because you either commence by attachment of the goods or capias against the person. There is, unquestionably, what is called a serviceable capias, but that is a course of proceeding very seldom resorted to. In the cases into which we inquired, we found that the serviceable capias was a proceeding not often resorted to. I wish to mention that, in one case, we found a seneschal of a manor exercising jurisdiction which we could not account for upon any legal principles: we found him exercising a jurisdiction as a court of conscience to the amount of 40*s*., in which he decided cases without the intervention of a jury.

25. *Chairman.*] Where was that?—In the borough of Cloughnakilty.

26. Mr. *Jephson.*] Will you state by what law it is requisite that the decisions of a court baron should be by jury?—By the ancient common law of the country, by which no decision could be come to by any tribunal upon a matter of fact without the intervention of a jury.

27. Is that equally so with respect to the court of record?—It is.

28. Mr. *Hamilton.*] You have mentioned that in some cases manor courts have jurisdiction to the extent of 200*l*.; do you mean that that is a jurisdiction practically exercised, or only that they have it under their charter?—Practically exercised. In some cases the jurisdiction is not practically exercised to the extent of the charter, in other cases it is.

29. It is not an obsolete jurisdiction?—No, it is not.

30. Mr. *Jephson.*] How did you find that the seneschals enforced the decrees?—By issuing a warrant to the bailiff of the manor court.

31. Did you inquire how he proceeded?—Either by arresting the body or seizing the goods when found within the jurisdiction.

32. Is the right of seizing the person an incident to a manor court?—I find there is a limitation in one of the Acts of Parliament as to the civil bill jurisdiction, that, if the decree be within a certain amount, no order shall go against the person.

33. Do you conceive that the right of seizing the person, in order to secure the payment of a decree of a manor court, is an incident to a court baron?—I have not considered that question.

34. Did you find that in all those baron courts you have mentioned the seneschal exercised that power of issuing warrants against the person?—I am not prepared to say so. The Civil Bill Acts, to which I alluded, direct that the decree shall not go against the person in any case in which a right to go against the person was not given by the original charter. It would appear from that, that there is no right to arrest the person in those courts unless the right is given by the original charter; but notwithstanding that, I would hold that that is incident to the grant of a court of record, though it may not be to the grant of a court baron.

35. Would it not appear from that, that the right of seizing the person is not an incident to a manor court unless specially granted?—I think, that where a court of record is granted by the charter, the right to arrest the person is incident to the jurisdiction by the common law.

36. Then you would limit the power of arrest to the courts of record?—Or to cases where courts baron have in express words that power.

37. In cases where no such power is given as that of arresting the person, how are the decrees of the courts enforced?—By seizing the goods.

38. What is subsequently done with the goods seized?—They are sold by auction.

39. Can you point out by what law they are sold?—In every case where goods

are seized in execution, the course is to sell them; that is a common law power incident to every execution.

40. Do you conceive that that is a common law power?—I do where goods are seized in execution.

41. Was not the common law right of execution of decrees, before the statutes gave a power of sale, that of only holding the goods seized as a pledge till the payment of the decree?—No, I conceive not, where the seizure is under execution, because the direction of the execution is always to levy the amount; but in cases where you attach goods for the purpose of compelling bail to be given, there it is only a right to hold the goods till the bail be given, or till the suit be finally terminated, and then they are held as a security till the termination of the suit; and also in case of distress, which is not an execution by common law, the party had no power of sale, he had only a right to hold the goods till the party paid the amount of the rent due; but the statute afterwards conferred the power of selling. But there is no statute giving the power of selling the goods seized in execution, because that was an inherent power conferred by the execution itself.

42. Are you quite certain that a court baron not a court of record has that power of execution?—I never heard it questioned before that any order in the nature of an execution did not confer the power of selling by common law.

43. Can you state whether counsel or a respectable class of attornies ever practice in those courts?—I have only known one manor court in which counsel have been at any time employed, and that is the manor court of Charleville; there counsel have been occasionally employed, and when they are employed there is a fee of 1 *l.* 1 *s.* taxed for the counsel in favour of the party who succeeds, if he has had counsel.

44. Does that seem to be justified by the Act which regulates the costs of manor courts?—I do not think there is any Act of Parliament regulating the costs of manor courts where they proceed according to the ancient course of common law.

45. What is the Act which regulates the costs?—There is one Act which regulates the costs when they proceed according to the civil bill jurisdiction; that is the 25 Geo. 3, and also the 7 & 8 Geo. 4.

46. Does not the civil bill jurisdiction include a great part of the jurisdiction of these courts, so that virtually the costs are regulated by those Acts?—Very many of the manor courts have discontinued their common law jurisdiction, and proceed only according to the civil bill jurisdiction, and of course when that is the case the costs are regulated by the statute; but whenever they proceed according to the course of common law there is nothing but the usage of the court or the regulation of the officers of the court to determine the costs, and sometimes they amount to as much as 10 *l.* upon a single case.

47. *Chairman.*] Have you ever known any of those jurisdictions which you have mentioned, assumed by a court when it did not legally possess such jurisdiction?—I know one instance in which the patent granted merely the jurisdiction of a court baron to the amount of 40 *s.* Irish, and where it assumed a jurisdiction to the amount of 10 *l.* by civil bill, clearly violating the Act of Parliament, which in every case limits the civil bill jurisdiction to the amount to which the court was entitled to entertain plea by the charter.

48. Do you know any other cases in which those courts have gone beyond their jurisdiction?—I know a particular case which came before me as a practising barrister upon the Leinster circuit, in which an appeal came before the judge of assize on two several occasions, two appeals from the decree of the same seneschal. In the first instance it came before Mr. Baron Forster, and Mr. Baron Forster reversed the decree, upon the ground that the seneschal had no jurisdiction at all, although he produced his patent.

49. Mr. *Jephson.*] What was the nature of the case?—It was a civil bill decree of the seneschal of the manor of Killenaule, in the county of Tipperary, held before the seneschal appointed by the Marquis of Ormond. This occurred about four years ago. Mr. Baron Forster reversed it upon the ground that there was no jurisdiction at all in the seneschal to hold pleas. The patent was a very extraordinary one indeed; it was a grant, I rather think, by James the 1st to the then Earl of Ormond, of a vast quantity of properties in both the counties of Kilkenny and Tipperary; and, amongst other matters, it granted various denominations of property under the name of manors. I dare say it contained in the county of Tipperary a grant of seven manors, and amongst the rest of the manor of

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Killenaule, and there was not any specification whatever of any jurisdiction of any kind in the patent.

50. Was there the right specified of holding a court in the manor?—No, nothing but the simple grant of a manor.

51. *Chairman.*] Did the seneschal continue to hold his courts after the reversal of the decree?—As I learned from report, he discontinued for some short time, but he subsequently resumed the practice of holding those courts; and another appeal came on to be heard, I think, at the last spring assizes, before Mr. Justice Johnson, upon the same ground of the want of jurisdiction in the seneschal. It was brought on with all the preparation which the agent of the Marquis of Ormond could bring to bear upon the matter. The records of the castle of Kilkenny were brought into court to establish the jurisdiction; and two counsel, Mr. Smith, of the Leinster circuit, and Mr. Edward Pennefather, jun., were engaged for the seneschal upon this occasion, or I should rather say, really for the Marquis of Ormond. Mr. Richard Moore and myself were counsel upon the other side. The case was argued at great length, and those records investigated; and after evidence being gone into, and the records produced, there was no trace (I state this distinctly from my recollection of the facts) of any court holding civil plea ever having been held; the latest record came down to about 70 years back. There were traces of courts leet having been held in the manor of Killenaule.

52. Mr. *Jephson.*] Then you can scarcely give this as a fair instance of the jurisdiction having been clearly overstepped by the seneschal, when eminent counsel advised the course?—I am sure that counsel never advised holding the courts; counsel defended it when it came into court as well as they could. It is clear that there was no jurisdiction such as he exercised, because it was to an amount above 40*s.*, and if any court could be presumed to have existed, it could only be a court baron, because as incident to a manor no court of record exists; so that the utmost amount of jurisdiction that could be presumed in the court was to the amount of 40*s.*; and the decree being above 3*l.*, Judge Johnson reversed the decree upon consultation with the twelve Judges.

53. *Chairman.*] With respect to the defects of the manor courts, will you briefly state what defects or abuses strike you as particularly existing in the common law jurisdiction of those courts?—I think the jurisdiction by attachment of the goods is liable to very great abuse, and that it is frequently very much abused. It is a jurisdiction, the continuance of which I must say is very much desired by the inhabitants of towns, and as anxiously desired to be abolished by the inhabitants of the country; but I conceive it gives a power to the inhabitants of towns, shopkeepers and others, to inflict great hardship, and often to extort from the farmers of the country, where it is so exercised. A farmer comes to market with his produce, who happens to have some dealing with a shopkeeper, and before he has time to dispose of his horse and cart, they are seized on the spot by the shopkeeper, and he is compelled, of necessity, to make any terms with the person acting in this way towards him, rather than have his property seized in the market. There are several instances of complaints of that description. And I know also it was stated before us in our inquiry at Charleville, that it was a common practice in the neighbourhood of that manor, if a shopkeeper, or person within the manor, had a claim against a person whose property lay outside the manor, to drive cattle by night within the manor, and have them seized by day-break in the morning under an attachment.

54. Is there any other part of the common law jurisdiction which you consider liable to abuse?—The costs are exceedingly heavy in the manor of Charleville; they proceed by common law jurisdiction for the smallest sum, for 5*s.*, and the costs will sometimes amount to a large sum; in those cases under 40*s.* they have a more limited amount of costs, they are to the amount of only 2*l.* or 3*l.*; but above 40*s.* it increases, and sometimes the costs will go to 8*l.* or 9*l.* The costs are looked upon as a great grievance in the proceedings by common law.

55. You say the costs would amount to 8*l.* or 9*l.*, in recovering a debt of what amount?—In recovering a debt of 8*l.* or 9*l.*, or 5*l.* or 6*l.*; if counsel are engaged it adds a guinea. We found that wherever the common law jurisdiction was exercised the costs varied from 4*l.* to 10*l.*

56. Mr. *Vesey.*] Can you state in how many places the common law jurisdiction was exercised?—The places I mentioned before.

57. And

57. And in all those places you found that they were liable to these vexatious costs?—Yes; the same jurisdiction as exists in manors by common law exists almost in all corporate towns; it is granted to the corporation, and is exercised generally by the sovereign or recorder, or both, and the proceedings in both courts are precisely similar, in the seneschal courts by common law and in the borough courts to which the grant of a court of record has been given.

58. Mr. *Jephson.*] Did you in your capacity of corporate inquiry commissioners require the production of any bills of costs or detail of costs, where complaints of this kind were made to you?—Yes; we got a bill of costs in Charleville from both the plaintiff and the defendant.

59. How are the sums composed?—I cannot state from recollection; but they go very much in the ordinary form of a bill of costs in the superior courts.

60. Did it appear to you that those were costs which could not be avoided by the parties, or that they were costs which the litigation of the parties, by creating delays in the pleadings and so forth, necessarily produced?—No doubt the costs were increased sometimes very considerably by the litigations of the parties, or by the necessary circuitousness of common law pleadings; for the purpose of determining a disputed right, it was necessary to have recourse to the formality of pleadings; there was a declaration and plea, and so on; there was a record and a regular trial had; there was then judgment entered up, and all the proceedings recorded.

61. Did those costs appear to you to be more than an equivalent for the trouble which the officers of the court were put to by the litigations of the parties?—I will not say that they were more than an equivalent for the trouble which the officers were put to; but I think it a great grievance that any petty court of this description should have a power of exercising jurisdiction of that character for sums of a small amount, entailing such heavy costs upon parties, where no corresponding benefit can be attained by the proceedings.

62. Then it is not the court itself that entails the heavy costs, but the litigation of the parties?—I think it is the constitution of the court, not any wilful misconduct on the part of the officers, but the defective constitution of the court itself.

63. You have stated the highest costs which could be incurred in the recovery of a debt of from 4*l.* or 5*l.* to 10*l.*; now will you state the lowest costs at which a debt of the same amount could be recovered in one of those courts?—The lowest costs is on the plea of confession, where the party puts in no plea at all, but at once admits the action; the lowest costs in a matter of that kind is 2*l.* 5*s.* It would just cost as little to enter a judgment in the superior courts, or less sometimes.

64. Are those costs according to the 25 Geo. 3?—No; they have nothing to do with the costs as regulated by the 25 Geo. 3. I will just state what the costs are which are mentioned in this report of ours as the usual costs, not the costs of a very contested case, but the usual costs: "The costs taxed against the defendant, when the cause proceeds to final judgment, amount to about 7*l.*; if the plaintiff is nonsuited, the costs taxed against him for the defendant amount to about 4*l.*; on a plea of confession the costs amount to about 2*l.* 5*s.*" The fee of 1*l.* 1*s.* to counsel which is mentioned here would be in addition to those costs.

65. The 25 Geo. 3 seems to apply generally to all manor courts in Ireland except courts in Dublin, and it regulates the costs of the proceedings. Could the costs, if they were made out according to the directions of this Act, amount to more than a few shillings, say 7*s.* or 8*s.*?—Certainly not, if the costs could be regulated according to that Act.

66. By what part of the Act can they exempt themselves from the operation of it?—The first section of this Act empowers manor courts to hold plea by civil bill. The 9th section, which regulates the fees, regulates, as I conceive, and as is universally acted upon, the fees to be charged in those cases merely when the proceedings are by civil bill; in fact, the fees stated here are totally inapplicable to the fees to be charged upon proceedings by common law; they are only applicable to proceedings by civil bill.

67. Does not that Act appear to have been framed to regulate the proceedings in all manor courts?—It regulates no mode of proceeding according to the course of common law.

68. Are not you confounding the two, and calling the court of record a manor

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court when it is not so?—It is a manor court when proceeding according to th course of common law; the manor court has various jurisdictions, as I stated before, and the first jurisdiction that it has is as a court of record.

69. You have stated that the 25 Geo. 3 was to give a new jurisdiction to manor courts. Will you state how a new jurisdiction has been given to a manor court that previously had a right to try causes of all kinds to the amount of 40 *s.*; must not that manor court, according to your previous evidence, have proceeded either by summons, if only a court baron, or by attachment, if a court of record?—Certainly, or by capias.

70. Then where is the new power which is given by the 25 Geo. 3?—It gives a new civil bill jurisdiction.

71. How is the civil bill jurisdiction varied from what it must have been before the passing of that Act?—In the first place there is an appeal given to the judge of assize.

72. Is that a civil bill jurisdiction?—It is; and it is only in the civil bill jurisdiction that the appeal is given.

73. *Chairman.*] Have you anything further to state with regard to the liabilities to abuse of the common law jurisdiction of the manor courts?—There is this circumstance attendant on the common law jurisdiction: by the present statute law no arrest of the person can be made unless the debt amounts to 20 *l.* or upwards, but if the action is commenced by attachment against the goods and the bail be put in, it is very curious that in that case the bail-piece is that the sureties and the principal shall either give up the person of the party or pay the debt; it is not that they shall restore the goods. The statute which prevents arrests under 20 *l.* can be evaded by this form which exists, that in those cases if the bail choose they can bring forward the person of the party at any time, and surrender him in discharge of themselves, so that he may be arrested before final judgment and imprisoned for a sum less than 20 *l.*, notwithstanding the statute. That observation is common not only to manor courts but to all the borough courts which exercise jurisdiction by common law.

74. Have any and what defects particularly struck your mind as to the civil bill jurisdiction of the manor courts; in the first place with reference to the costs?—The costs of civil bill proceedings in a manor court are generally much larger than the proceedings before assistant-barristers, and therefore too high; they vary, according to my experience, from 7 *s.* 6 *d.* to 9 *s.* 6 *d.* upon a decree. I find 5 *s.* 11 *d.* mentioned in the statute, but I never found the costs so low as that in practice. The costs in the manor court of Cloughnakilty, when proceeding by civil bill, amount to 9 *s.* 6*d.*

75. Mr. *Jephson.*] Did you find that the seneschals adhered to the charges allowed by the 25 Geo. 3, or did you find that in any case they exceeded the charges?—Certainly, in the Cloughnakilty court, they exceeded them.

76. Can you refer to the particular instance in which you found that they exceeded the sum allowed by the Act?—I found that the usual charge, when the sum recovered exceeded 5*s.*, in Cloughnakilty was 9*s.* 6*d.*

77. Did you in that case call for the details of the costs?—Yes.

78. And you found them differ from those in the Act?—I did. It was alleged by the registrar of the seneschal, that there was an additional charge of 2*s.* given by the statute of the 7 & 8 Geo. 4; and, on referring to that Act, we found that that additional charge was only given when the original charter of the seneschal authorized the proceedings for debts exceeding 30*l*; and though the charter of that particular manor authorized no proceedings as far as 40*s.*, that additional charge was made.

79. Did you explain that to the seneschal?—No; for we had not the Act of Parliament by us at that moment: we got a bill of costs from him; we compared that with the Act of Parliament, and we found that upon our return to Dublin.

80. Then the seneschal may yet be left in ignorance of his misconstruction of the Act of Parliament?—Unless he has referred to our report, in which it is particularly stated.

81. Is the seneschal of Cloughnakilty a professional man?—He is not a professional gentleman; he had been, I believe, originally in the navy; he is perfectly blind, but of a very respectable family.

82. Does he give satisfaction in his proceedings?—No; there were very great complaints indeed.

83. Would

83. Would not you think it highly objectionable that a person placed in his situation should be blind?—Yes; we both thought so.

84. *Chairman.*] Are there any other defects in the civil bill jurisdiction besides that of the heavy costs?—I think the additional jurisdiction conferred by the two last statutes highly objectionable.

85. The assistant-barrister, even under the Act of last session, which extended his power to double the former amount, cannot exercise jurisdiction to more than 20*l.* sterling, and yet the seneschal, who is a less responsible person, can exercise jurisdiction to a far greater amount?—The seneschal, who is appointed by a private individual, and is responsible to no one, has jurisdiction to 200*l.*, and in many instances to much larger sums by civil bill. I think also, on general principles, that the exercise of a judicial office by a person who is nominated by a private individual, is objectionable.

86. Mr. *Jephson.*] Were those two the only cases of exaction which you found in your investigations?—No other cases of charge beyond the Act of Parliament at present occur to me; but, in my opinion, the Act of Parliament itself gives much too large costs.

87. *Chairman.*] Do you consider that the seneschals are in general appointed from a class of persons fit to be intrusted with such duties?—No, they often are not. I know, on the other hand, that there are many highly respectable gentlemen acting in the office of seneschal.

88. In those places which you have visited as commissioner of corporate inquiry, and with which you are acquainted in your capacity as assistant-barrister of Antrim, can you state what proportion of the seneschals, to your knowledge or belief, are professional men?—In the county of Tipperary, in two cases, I know two attornies who act as seneschals that I have knowledge of as a private individual. In the county of Antrim, in which I act as assistant-barrister, the gentlemen who act as seneschals are generally gentlemen of high respectability; they are generally magistrates of the county, and probably, in most instances, agents of the proprietors who have appointed them. But I know, in other cases, that persons of a very low description indeed are appointed to perform the duties of seneschal. I may mention, that in Bandon, which we visited as corporation commissioners, we found two manor courts, and we were only able to get one of the seneschals to examine. We examined the seneschal of one of the manor courts, and he was neither a person of that intelligence or station that should be appointed to exercise duties such as are committed to an officer of this description. He disclosed a system in his own court which was quite calculated to show that this jurisdiction requires either to be abolished or regulated certainly. He admitted, on examination, that each party who got a verdict, put a certain sum of money into a stock purse; that all these monies were accumulated till the close of the evening, and at the termination of the evening, the seneschal and the jury (one jury acted throughout the day), and the various successful parties, sat down and consumed it all in liquor in the public-house in which he held his court.

89. Mr. *Bridgeman.*] Have not you heard that that was the practice in almost all the courts?—I have heard of its being the custom in a variety of instances. We were not able to examine the other seneschal; but this seneschal being asked if he knew whether a similar practice existed in other courts, said, that there was much more drinking in the other court than in his.

90. Mr. *Vesey.*] In examining the different corporate towns, did you find many instances of seneschals being in a similar station of life as that man?—Not in the corporation inquiry, for we visited, in the course of our inquiry as corporation commissioners, generally towns of some size and magnitude, not those country places. In places of magnitude, generally speaking, the seneschals are of a superior class of persons; but I believe, in country parts, they are generally persons of a lower class.

91. Did any other cases come under your knowledge in country parts where the persons were of that low class?—Not under my own knowledge.

92. Were there in the towns you inquired into any cases at all similar to that you have described at Bandon?—No others in which proceedings of that description were carried on.

93. So that you cannot state from your personal knowledge any other cases of that kind?—Not of my own personal knowledge; nothing but report.

94. Mr. *Bridgeman.*] Do you think it would be an advantage to have attor-

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nies appointed seneschals, in case these courts were to continue?—I think they would be much more competent to do the duty than many of the persons who do it now.

95. Would it be an advantage?—I think it would be better to appoint persons who are more independent of the public. Without meaning to say any thing disrespectful of the profession of an attorney, I think it would be better to appoint persons more independent of the parties among whom they exercise jurisdiction, and with that view the present Government have determined to remove every assistant-barrister from his own circuit, because he must look more or less to persons who practise in the court in which he sits as assistant-barrister.

96. Mr. *Vesey.*] Therefore you would say that a seneschal ought not to be an attorney practising in the district in which he acts as seneschal?—I think clearly not; acting upon the same principle which has been adopted by the Government with respect to assistant-barristers, and which I approve of.

97. You say that in the county of Antrim, acting as assistant-barrister, the manor courts came, to a certain degree, under your cognizance; have any instances of improper conduct, with reference to conducting the courts in that part of Ireland, come within your knowledge?—There have cases come before me, in which it appeared to me that the manor courts were frequently resorted to by parties who despaired of succeeding in other places. It did not come under my cognizance, whether it arose from improper conduct in the courts themselves; but certain it is that persons have a hope of succeeding in the manor courts who despair of succeeding in other places.

98. To what do you attribute that?—I think, first, it is to be attributed in a great measure to the want of sufficient knowledge in the seneschal who presides, and in the next place, to the fact of the jury which is summoned having the friends of such party upon it.

99. Is there a feeling among the people, that they prefer their cases going before a court in which there is a jury, rather than going before the assistant-barrister without a jury?—I think a party feels himself more secure before the assistant-barrister, if he has a good case; but I think a person with a bad case is much more disposed to go before the seneschal.

100. You attribute that to the feeling that they have friends on the jury?—To that circumstance or to the want of competent knowledge in the seneschal; and, without meaning to say that I have any personal knowledge upon the subject, it is possible that where the whole emoluments of the officer depend upon the fees received, he may have a favourable feeling towards the plaintiff who commences the proceeding in the court; and I am afraid in all jurisdictions of that description, which depend altogether for their emoluments upon fees, there is unfortunately a disposition to favour plaintiffs.

101. *Chairman.*] Do you think that the class of persons who usually act as jurors in the manor courts are of a proper description?—I have no personal knowledge, having never attended in the manor courts, of the constitution of the juries; but I think that leaving to the bailiff in the manor court the summoning of juries must necessarily have the effect of making those juries be composed of very unfit persons; and from public report, I can state the universal belief is that the persons who serve upon juries are totally unfit; and that must be the necessary consequence of the fact, that there is no power, or at least the seneschals are not aware of any power they possess, to enforce the attendance of respectable persons.

102. Mr. *Vesey.*] What is the mode of summoning jurors?—They summon the jurors, but they do not profess to enforce their attendance.

103. Mr. *Bridgeman.*] Are not they usually of the lowest description of persons?—I understand that they are usually of the lowest description of persons, because no others will attend.

104. Mr. *Brady.*] Are the jurors paid?—They are not paid, that I am aware of, for attending, except by the mode described by the seneschal in Bandon.

105. Mr. *Vesey.*] From your experience as practising counsel upon the Leinster circuit, are you able to state the relative proportion of appeals from the manor courts and from the quarter sessions?—By no means. There are very few seneschals of manor courts in that circuit in active operation compared with the number upon our circuit. There are three times as many manor courts in active operation in the county of Antrim as there are in the entire of the Leinster circuit;

circuit; the manor courts upon that circuit have very much fallen into disuse, except a few which are continued.

106. Did you inquire as to the number of appeals, when you were corporate commissioner?—I have no recollection of having made that inquiry.

107. Mr. *Jephson.*] Would not that be a fair test of the benefit derived from the courts, namely, the number of appeals, and the number of decisions that have been affirmed?—I think it would be a fair test. But I have heard that seneschals interpose sometimes great difficulties in the way of appealing; I have heard that unless the appeal is immediately entered, and you have the securities ready in court, they will not receive it.

108. What is the nature of the difficulties which they interpose in the way of appealing?—Insisting upon having the recognizance ready at the moment, which must be entered into to abide the result of the appeal, and not receiving it if not entered into at the moment when the cause is decided.

109. You mean at the moment of the decree being issued?—I have heard that, unless they are prepared at the moment when the decree is pronounced, in some instances, the appeal will not be received at all. I think it right to say, that on our investigation into corporations, this matter of the manor courts came only incidentally under our observation, and we were not so minute in our inquiry as if it was a corporation court.

110. *Chairman.*] Have you observed any inconveniences or abuses arising from the places in which those courts are often held?—They are, as I understand, and from the evidence that appeared before me in the case of Bandon, held most commonly in public-houses. It certainly is a very improper place to bring a vast number of persons to resort to. If public-houses are used in that way, the necessary result is that they must spend some money there; and it is with a view to that sort of profit that a public-house is selected; so that it necessarily encourages intemperance.

111. Have you had occasion to hear that they were held at locally inconvenient places, remote from a great part of the manor?—There is a fact which I wish to state, that sometimes manors are most inconveniently circumstanced; sometimes a townland, that is seven or eight miles from one part of the manor, is included in the manor, and a person is liable to be brought from this seven or eight miles distance to the manor court. For example: there is part of the manor of St. Finbarr situate adjoining the town of Bandon, 22 miles distance; and I know there is a variety of other cases in which either the manor itself is inconveniently large, or a portion of the manor is detached at a very considerable distance from the great bulk of the manor. I would think, that by giving a more extended jurisdiction to the magistrates at petty sessions, the necessity of those courts might be altogether dispensed with.

112. Mr. *Jephson.*] Under such circumstances no one would have recourse to them?—Yes; I still think parties, who thought they would be more likely to succeed there, might have recourse to them. In fact cases have come before me as assistant-barrister, in which the party has tried all sorts of litigation: he has gone first to the magistrate, then to the barrister, and having failed, he then goes to the manor court. Litigious persons, who are anxious to harass their adversaries, or by some chance or other to obtain a verdict; but I think all substantial purposes of the recovery of small debts would be answered, if there was in small debts jurisdiction given to the justices at petty sessions, and the present expensive mode of appealing to the quarter sessions was done away with. The appeal to the quarter sessions is so expensive as almost to preclude the appeal to a poor party; but it is an inducement to a rich man, in order to throw expense upon his adversary. I think it would be desirable if, in the case of a defendant, the appeal was altogether taken away from the magistrates' decisions, and I would only give the appeal to the party that brings forward the suit. The rich man is generally the plaintiff, and the poor man the defendant. A poor man, who comes before a magistrate to recover his wages, is really denied justice, by having an appeal entered at quarter sessions from the decision of the magistrates.

113. You refer to an appeal under the present jurisdiction of the magistrates in cases of wages?—The magistrates have a jurisdiction to the amount of 6*l.* Irish in the recovery of wages, and those wages are what those parties have to subsist upon from day to day; and this jurisdiction is given to the magistrates, because the parties are supposed to be paid from day to day. Rather than wait for the quarter sessions, the magistrates have a jurisdiction of that kind for

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enforcing the demand, but it totally defeats the object that a defendant, where gentlemen of respectability have decided upon the case, should have the power of delaying the party by entering an appeal, which costs a considerable sum of money before it can be decided.

114. Mr. *Vesey.*] Is there any specified time for holding manor courts?—Almost all the charters are from three weeks to three weeks.

115. Do not you think that there is a strong feeling or wish among the people to go into the manor courts rather than wait to go before the assistant-barrister, on account of their being able to have justice done to them in a more speedy manner?—No doubt it does bring many parties to manor courts, the circumstance of having the court sit so soon and decide upon their case so speedily; but I would say that that is in many cases rather a disadvantage to the public than an advantage, because where credit is given the power of enforcing it so summarily, I think, is a disadvantage, and where there is a disputed point, I think, in many cases, if there was a little delay, it would be settled without any litigation at all. If this court was not sitting ready for them to go in, and angrily enter into litigation; if they had a little time to cool, I think many cases would be settled.

116. If proper persons were appointed as seneschals, and there were an improved method of summoning the juries, do not you think that with regard to servants and labourers applying for their wages, it would be a better court for them to go to than to the petty sessions court without an appeal?—I think still the magistrates' court would be a better jurisdiction in some cases.

117. Mr. *Jephson.*] Supposing there were a regulation by which none but a barrister, or a professional man of some standing, was allowed to act as seneschal, might it not be presumed that such an individual would possess infinitely more knowledge of law than the persons commonly selected to be county magistrates?—I think it is impossible to get a person of that kind to sit from three weeks to three weeks, who is not too much locally connected with the place. You cannot get a barrister, because his residence is necessarily in Dublin, and you can get no attorney, but a man so connected with the neighbourhood, that it would be wrong to entrust to him the decision of cases of that description.

118. Is the attendance from three weeks to three weeks always requisite?—The court must be held from three weeks to three weeks, if it is only for the purpose of adjournment. At the same time, I think the not holding it is not a forfeiture of the charter. Of course, where there are no summonses issued for the day, it is unnecessary for the court to sit and decide; but they are generally held from three weeks to three weeks.

119. Did you find in some of the towns that you visited, as corporation commissioner, that there was no strong disinclination against the manor courts, but that they preferred them to having recourse to the barristers' court, and that, in fact, so far from having a dislike to those manor courts, they rather wished that their jurisdiction should be extended?—I found no such feeling as an anxiety to extend their jurisdiction in any town I visited; the feeling in their favour that I found was on the part of the shopkeepers of the several towns, who were exceedingly anxious that the jurisdiction by attachment should be continued in both the borough courts and in the seneschal courts, because it gave them obvious advantages over the country persons to whom they gave credit; but in every place where jurisdiction by attachment was exercised, there were great complaints of the mode in which the jurisdiction was exercised.

120. Mr. *Bridgeman.*] Is not it the general impression that the manor court is what is called the plaintiff's court?—That is the impression in country places, particularly where they sit in a large town. I suppose there is some difference. I would wish to make a suggestion in case the Municipal Corporation Bill should pass for Ireland, and recorders should be appointed; it may, if I continue in my office of assistant-barrister, operate against myself; but I think it right to say, that I think the recorders who shall be appointed ought to have a civil bill jurisdiction.

121. To the same amount as the assistant-barrister?—I think so.

Veneris, 21° *die Aprilis*, 1837.

MEMBERS PRESENT.

Mr. Bridgeman.
Mr. Hamilton.
Mr. Jephson.
Mr. Lucas.
Mr. Morgan John O'Connell.
Mr. Villiers Stuart.
Mr. Vesey.

MORGAN JOHN O'CONNELL, ESQ. IN THE CHAIR.

Thomas Frederick Kelly, Esq. called in; and Examined.

T. F. Kelly, Esq.
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122. *Chairman.*] ARE you seneschal of some manor courts at Dublin?—I am seneschal of the manor court of Thomas Court and Donore, and also of the manor court of Bray.

123. What are the respective pecuniary jurisdiction of those courts?—Unlimited.

124. Both?—Both.

125. How often do you hold courts in these manors?—I hold the court of Thomas Court and Donore once in each week, and the court of Bray once in each month.

126. Are the proceedings in these courts by civil bill, or under the common law, or both?—By civil bill, with the single exception in the case of what is called Attachment.

127. The process of Attachment is exercised under the charter originally creating the manor, is it not?—I have always taken it to be so, but that point I have never examined.

128. Are the proceedings most usually by civil bill or by attachment process?—Most usually by civil bill; very seldom, I should say, by attachment.

129. Do juries always form part of the proceedings of the court?—Always.

130. Does the process of the court issue against the person or goods?—Am I to understand the mesne process or process in execution?

131. In execution?—Against either; I should say against either, at the will of the plaintiff.

132. This is whether the trial is by civil bill or by attachment?—No, by civil bill; with respect to attachment it is open to explanation; if the goods under attachment be not bailed the process of the court will naturally go against the goods, should judgment be obtained for the plaintiff; but if the goods be bailed by substantial bail, the process would then go against the bail, and I should then say the process would be either against the person or the goods, as in the nature of the other mode of proceeding.

133. In the case of a civil bill who serves the original process?—The bailiff of the manor.

134. Is he appointed by you?—He is appointed by me.

135. How much is he paid?—He is paid a very small fee upon the service; sixpence. I found it to have been the usual fee in the court, and I therefore permitted it to remain.

136. How are the jurors summoned?—The jurors are summoned by a regular summons through the marshal, served upon them two days before the sitting days of the court.

137. The marshal also is an officer of the court?—Yes.

138. How is he appointed?—He is appointable by me; but he was appointed before I became the seneschal; the appointment is in the seneschal.

139. Is he also paid by fees?—He is also paid by fees, as stated in the Act of Parliament regulating the court.

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140. What description of persons are summoned as jurors?—Small shopkeepers, but householders; they are very much on a par with the petty jurors, at the *nisi prius* trials in Dublin.

141. Are they all residents of the manor?—They are.

142. Have you the power of enforcing their attendance?—I have, under the statute; I have the power of enforcing their attendance as for contempt.

143. Under the charter that power is given you?—I think so; and I have acted upon it by imposing fines.

144. By fine?—Yes.

145. I suppose you found fining for contempt had existed?—I did; and therefore continued to exercise it.

146. You did not think it necessary to read over the original charters throughout before entering upon your duties?—I did not; but I think the jurors' jurisdiction is a statutable one. If I recollect right, the 25 Geo. 3, c. 44, gives the power of enforcing the attendance of jurors; I think I am right when I state that.

147. The 7 Geo. 4 extended to the Dublin court the same provisions which had been previously applied under the Irish Act to manor courts in other parts of Ireland?—It did.

148. Where are the sittings of your court held?—The sittings of my court are held for Thomas Court and Donore, in the court-house, a regular ancient court-house. The sittings in the manor court of Bray are held in the school-house in Bray.

149. You stated that you had the power of enforcing penalties with regard to jurors; did you understand that you had that power from the statute, or from the charter?—From the statute, for I take the general construction of law to be, that when the statute appointed me to try by jury, and ordered me to summon a jury, it gave me all ways and means of doing it. Upon that general construction, I have ever felt myself safe in doing that by a non-attending jury that a superior court would; that is, calling them upon fine, the service of the panel having been first sworn to. The charter is subsidiary to the statute.

150. Is there any peculiar statute for the Dublin manor court, with the exception of the 7 Geo. 4?—The 8th also; they are two separate statutes.

151. Does the 8 Geo. 4 give any peculiar powers to the Dublin manor court that manor courts in general in Ireland do not possess?—I should think not.

152. It applies generally?—I think it applies generally; transferring the civil bill jurisdiction of the 25 Geo. 3 to the Dublin manor courts it also enlarged the civil bill jurisdiction. My general impression is that the enlarged civil bill jurisdiction, which was for the first time conferred upon the Dublin manor courts, was also extended to the country manor courts.

153. Have you often enforced the penalty for the non-attendance of jurors?—Often.

154. Has it ever been disputed?—Never; the penalty I impose always has been a small fine. I think the utmost I have imposed, or that I levied upon any non-attending juror, has been 10*s.*, and latterly it has been either 5*s.* or 2*s.* 6*d.*; for I suited the fine to the degree of the juror, to his degree of comfort in life; and I found by imposing a smaller fine, that it has always been paid regularly, and that the attendance in consequence was fuller and more punctual.

155. Have you found that system has had a tendency to procure the attendance of good jurors?—I have.

156. Is the charter under which your court is held an ancient one?—It is. I think it is a charter either of Charles or James.

157. Mr. *Hamilton.*] Are you preparing a return for this Committee in which the jurisdiction will be given?—Yes.

158. Are the Earls of Meath lords of the manor?—Yes.

159. Does the charter confer the jurisdiction of court baron as well as common law court?—It does.

160. So that in your court you have three jurisdictions—the common law jurisdiction, the jurisdiction of the court baron, and the civil bill jurisdiction?—I have.

161. Do you also hold courts in the manor?—I do: in each half-year after Easter and after Michaelmas, I hold a court to swear in for each half-year

year a grand jury, for the purposes that are left for such a grand jury, by different Acts of the Legislature.

162. You have stated that your jurisdiction is unlimited in respect to amount?—Yes.

163. Is it restricted in respect to the nature of the action?—It is. I cannot entertain an action in which title to land comes in question. I cannot entertain real actions.

164. Is your jurisdiction, in point of population, very considerable?—It is.

165. Can you form an estimate of the number of inhabitants residing within your jurisdiction?—I should suppose about 20,000. It is large, because it embraces most of the very populous parish of St. Catherine.

166. It extends partly to the county and partly to the city of Dublin?—Donore is one of the county baronies.

167. *Chairman.*] But it is a very small barony?—It is the smallest but one of the Dublin baronies.

168. Mr. *Hamilton.*] A considerable portion of the liberties are within your jurisdiction?—They are.

169. Do you happen to know how many acres in the barony of Donore?—I cannot say.

170. Are the bounds of your jurisdiction well ascertained and defined?—They are; for, once or twice, when a disputed case of boundary arose, I found that the marshal at once settled the question by his local knowledge.

171. How would it be in case of streets on each side?—I have received great aid from his knowledge of boundary; I never found any difficulty in coming to an adjustment.

172. So your authority as seneschal has not been often disputed on account of boundary?—It has not.

173. Mr. *Vesey.*] You have said that the marshal defines the limit?—Yes, if there is any doubt.

174. What description of person is the marshal?—The marshal that I have is a very respectable man; he is under-agent of Lord Meath; he is respectable in his line and conduct of life, and has been in that office for many years.

175. Then he is perfectly competent to define the limit?—So I have ever found him.

176. But in case an incompetent person was filling the office, in what way would you ascertain the limit?—I should think a difficulty would arise, because it would come to hearsay, perhaps, at best.

177. Is the marshal appointed by the lord of the manor?—No; he is appointable by me.

178. But not the present?—The present was appointed before I came to the office, and I suffered him to remain.

179. Mr. *Hamilton.*] Do you happen to recollect whether the charter defines the boundary strictly?—I do not.

180. You never had occasion to examine the charter?—No.

181. So that your extent of boundary is merely definable by the marshal?—Yes. His knowledge is positive from the papers in his own office; from his long acquaintance his knowledge is so positive, that he has given me a list of all the streets and places within the manor, which I have, and which forms part of the return coming to the Committee.

182. Has he stated to you from what source of information he made that list?—I cannot say that he has.

183. Has there been at any time a collision or dispute in respect of jurisdiction between the lord mayor of Dublin and the lord of the manor of Donore?—There has been, upon one or two occasions, a difference of opinion, not with respect to the civil bill jurisdiction, of which you are now speaking, but in respect of the clerk of the market jurisdiction. The lord mayor claiming a right to come in to Thomas Court manor as clerk of the market, to inspect weights and measures, and I resisting upon the part of Lord Meath; the lord mayor did not persist in his invasion, and it ended by a friendly conversation, if I may so call it, between the lord mayor and myself; I stated to him the grounds upon which I thought he should not come within this peculiar jurisdiction, and he apparently yielded to them, because subsequent to that he has not come in.

184. Does the jurisdiction of the chairman of Kilmainham for the county of

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Dublin, in reference to the civil bill, extend over that part of your manor in the county of Dublin?—You speak of Kilmainham manor.

185. I am speaking of the jurisdiction of Mr. Blacker, the chairman of Kilmainham, for the county of Dublin?—It does. With respect to the dispute on point of jurisdiction between the lord mayor and this manor court of Thomas Court, I ought also to add that, when the lord mayor's process from his court of conscience came within this manor, upon two several occasions, the defendant in the process resisted the execution, claiming to be within an exempt jurisdiction; and that the lord mayor did not take any measure to enforce his process within this manor; but a recurrence of those cases has not happened.

186. *Chairman.*] With regard to the process of attachment, it is not necessary in that case that the defendant should reside within the manor; is it not merely sufficient that his goods should be found within the manor; and, being so found, are they liable to be seized under the process?—No; I should not permit that. I should hold, that the defendant should live within the manor, or should have, what in the fair meaning of the word residence should be, a residence within it, as a large yard, shop or premises, upon which these goods are, and of which he was the responsible owner.

187. Then you would not conceive an officer of your court was entitled to seize, under the process of attachment, goods *in transitu* through the manor?—No; neither should I permit it.

188. You say the common law jurisdiction of your court is unlimited?—It is.

189. To what amount do you proceed by civil bill under the statute?—I conceive myself unlimited, and therefore have entertained the civil bill, no matter what amount was sought to be recovered. I never have had any civil bill to any very large amount.

190. Mr. *Lucas.*] With a jury or without?—With a jury in every case.

191. *Chairman.*] What is the usual description of cases tried before you?—Debt, covenant, goods sold and delivered, occasionally actions upon the case where there were consequential damages sought, and, in two or three instances, ejectments for non-payment of rent.

192. The manor court was not restrained from proceeding upon actions of covenant by the civil bill?—I conceive not; the charter must define it.

193. But you are aware that the civil bill of the quarter sessions was restrained from so doing until the Act of last session?—I am not aware of that.

194. Mr. *Lucas.*] Is there any appeal at all from your court?—Yes; to the court of *nisi prius*, in Dublin, at Easter and Michaelmas.

195. Mr. *Vesey.*] What extent of power has your court with regard to imprisonment?—Unlimited; where the defendant in execution is imprisoned for a debt not exceeding 10*l.*, in that case the statute gives the seneschal the power to *groat;* that is it gives power to the seneschal to make the plaintiff support the defendant who is so imprisoned at a rate not exceeding 2*s.* 6*d.* a week. Application has been made to me, upon the part of such a defendant, for an order to such effect; and first being satisfied by affidavit that he is unable to support himself, and that it is not to elude payment of the debt, I have made the order, and the order has had the effect of producing either the immediate liberation of the defendant, or getting some favourable terms from him. That has occurred upon three occasions.

196. What sort of a prison belongs to your manor?—I have no prison belonging to the manor; the defendant is committed either to the city of Dublin prison, or to the county of Dublin prison, according as he lives in the county part of the manor or in the city part of the manor.

197. Mr. *Vesey.*] Has any number of persons been imprisoned by you?—Very few.

198. Can you state the number?—I should say that the number has not exceeded twenty within five or six years. Upon that point there is a specific return in preparation; I think I am correct in saying the number has not exceeded twenty.

199. *Chairman.*] Have you the same process of imprisonment from the manor court at Bray?—I have.

200. To what prison does that go?—Bray is partly in Dublin and partly in Wicklow, so that a person taken in execution would be committed, accordingly as his place of residence is, either to Kilmainham gaol or Wicklow gaol. I have no

no case of any person having been sent to Wicklow gaol, and I think but two cases of defendants committed to the gaol of Kilmainham.

201. Mr. *Lucas.*] You have no gaol attached to the manor?—No.

202. Mr. *Hamilton.*] Is the Bray jurisdiction and the jurisdiction of Thomas Court and Donore under the same charter, or under different charters?—They are under different charters.

203. Mr. *Villiers Stuart.*] Is there any assistant barristers' court held at Bray?—Until the month before last there was none; there has been, since then, an order in council from the Lord Lieutenant appointing Bray to be a quarter sessions town.

204. Has that made any alteration in the business of your court?—I have had as yet no opportunity of forming an opinion. The quarter sessions, if held, could not be held until this month.

205. Mr. *Hamilton.*] Is the general court of quarter sessions at Kilmainham held quite close to your jurisdiction at Donore?—It is.

206. Mr. *Vesey.*] Have you the power of ascertaining what the opinion of people within the manor would be as to the good effect of the manor court?—I have heard their opinion very often expressed, and always favourable; they like the jurisdiction, they think it does them justice, and they have always expressed—I am speaking of the particular jurisdiction of this manor court—they have always expressed themselves favourably of it.

207. Is that general among all classes, shopkeepers and the poorer class?—It is.

208. Do you mean that they think justice is done them, as much justice is done them in that court as would be done to them by the court of quarter sessions?—I know that they do; and I know, if I may be permitted to say it, that their favourable expression towards this court has grown out of their experience.

209. To what do you attribute the partiality of the people to this manor court particularly?—Simply to this: that justice is honestly administered to them, and I think intelligibly administered to them.

210. Do they like the mode of trying cases through the means of a jury?—Very much.

211. In the case of appeals, can you state whether appeals come more frequently from the defendant or the plaintiff in case the plaintiff is nonsuited?—More frequently from the defendant; it seldom has happened that the plaintiff has not a good case for coming into court; it has very seldom happened, and then the appeal is generally from the defendant. In some cases I have good reason to suppose that the appeal is to gain time, and it sometimes has had the effect of hanging up the decree for five months.

212. *Chairman.*] Are there many cases settled between the parties after the service is issued?—There are some; and it is a practice I have always encouraged.

213. Does the plaintiff on obtaining the summons lodge any security to prosecute his suit?—None.

214. Do you often exercise the power of attachment?—It has been seldom exercised; I should say, during the entire period that I have been seneschal, it has not been exercised twenty times.

215. Do you consider that the power of attachment has a tendency to oppression with regard to the poor man?—I certainly think so. There is but one class of cases in which I think the power of attachment can be wholesomely exercised, that is in the case where the possession of goods has been parted with by sale, and the person into whose hands they have come is dishonestly refusing to pay for them. I think in that case that the power of attachment has been wholesomely exercised, because it has enabled the vendor of the goods at once to come in by a legal process to impound the goods, subject to the question of sale being tried in court by a jury. But I certainly think in any other case it has a great tendency to be a hardship, because it is in the nature of a writ in execution at the beginning of a suit, which writ should only be after verdict had ——

216. Mr. *Villiers Stuart.*] You say you have not exercised the power of attachment above twenty times since you have been in office?—No.

217. State for how long a period that is?—I have been in office for something more than eight years; about eight years.

218. Mr. *Hamilton.*] Are you a practising barrister of some standing?—I am.

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219. Have you had occasion to issue the process in law called a distringas?—Seldom; I have stated it has been exercised about twenty times within a period of something more than eight years, and I should state, that before it can be issued an affidavit is necessary, the same as an affidavit in a superior court, which gives the defendant if he is wronged a remedy by an indictment for perjury.

220. Mr *Vesey.*] Is there any part of the barony of Donore that is not built upon?—There is.

221. In fact there are country parts?—There are country parts.

222. Are there many cases of process from small shopkeepers in the town against the country people, brought into your court?—Within the last two years there have been many; I have noticed it growing up within the last two or three years.

223. Do you think that the people in the country find the court to be as efficient as the poorer class in town?—I do; the rural district is not very far removed; it lies very much within a ring fence.

224. Mr. *Bridgeman.*] Are you acquainted with any other manor courts?—I am acquainted generally with the working of Mr. Ratcliffe's Court at St. Sepulchre's, that is the next court to mine, and with Mr. Finlay's Court at Kilmainham.

225. From what you know of it can you state whether it gives as much satisfaction as yours?—I should imagine it does, for I should imagine that Mr. Ratcliffe is both honest and zealous in his administration of it, and I know him to be intelligent; he also is a barrister: I entertain the same opinion of Mr. Finlay, for the same reasons.

226. Mr. *Vesey.*] With regard to Bray, what is the feeling of the people as to the manor courts?—There it is extremely favourable also.

227–8. Is there the same partiality for the manor court felt by the people living in the country, as is felt by the shopkeepers in the town of Bray?—There is: this arises from a combination of circumstances that is perhaps favourable to the court; the distance of the quarter sessions town, I should say, was a principal cause, and their finding that the court is held regularly once a month for the last eight years, when, for the previous number of years, the court there had been held very irregularly, and I believe not very satisfactorily to them on account of this want of punctuality.

229. What was the distance of the nearest quarter sessions previous to Bray being made a quarter sessions town?—The distance was from Bray to Wicklow; that was the nearest distance; I think about ten miles Irish.

230. Can you form any opinion as to whether people will go more to the manor court than to the quarter sessions court, now that the quarter sessions is brought into their reach?—Not yet; but it is an experiment which I intend to try, and if I find they prefer the quarter sessions court, I shall give over holding my manor court; and if I find they prefer the manor court, I shall of course continue to hold it.

231. Then you have never heard any opinion among the people?—As yet the experiment has not been tried.

232. Mr. *Vesey.*] Can you judge from the court of Donore that they are likely to continue when close to each other?—Yes; I should judge, from what I see of the manor court of Bray, that it would remain; at Dublin the assistant-barrister's court is very close to my court, and held very regularly by Mr. Blacker, yet it has not done away with the necessity of my holding the manor court, or else I should give it up.

233. Last session greater powers were given to the barrister's court: has that made any difference in your court business?—I have not yet felt it.

234. *Chairman.*] What are the costs of proceeding by civil bill?—The statuteable cost, when the sum does not exceed 10 *l.*, is 8 *s.* 6 *d.*; when the sum exceeds 10 *l.* and under 100 *l.*, 12 *s.* 6 *d.* I made an alteration in these costs. I have established in my court a lower scale. I established a reduced scale where the sum sought to be recovered did not exceed 40 *s.*; in such cases I reduced the costs to 5 *s.* 6 *d.*: I did that from a feeling that the amount of costs on matters of 40 *s.*, which come particularly home to the poor man, would otherwise be too heavy.

235. In cases between 40 *s.* and 10 *l.*, the costs are 8 *s.* 6 *d.*?—Yes; I left the statutable costs there as I found them.

236. Under

236. Under the Act of the 25 Geo. 3?—Yes, and the 8 Geo. 4 also.

237. Mr. *Lucas.*] Can you answer generally whether the costs are greater or less in manor courts than for similar actions in the assistant-barrister's court?—They are greater.

238. Mr. *Hamilton.*] Can you explain how that is, seeing that both derive their authority now under the same Act?—I cannot say they derive their authority under the same Act; the Manor Courts Acts have been left untouched by any enactments relative to the civil bill jurisdiction, so that the fees remain each under its own peculiar enactment.

239. *Chairman.*] Do attorneys practise in your courts?—They do.

240. The same description of attorney who practise under the civil bill at the quarter sessions?—Yes, upon particular occasions, where the case is a matter of of interest, those who practise in the superior courts come down; and upon cases of the same nature I have occasionally had barristers in attendance.

241. Mr. *Bridgeman.*] Do any persons, not sworn attorneys, practise as attorneys in your court?—Not as attorneys.

242. *Chairman.*] Do they practise as agents?—I have allowed them occasionally to practise as agents, from a feeling where the party whom they professed to be the agent of was unable to put forward his own case, or if I felt that the agent would put it forward better for them. I have done that under protest at the moment, knowing that the practise otherwise might grow up into a very serious irregularity, to say the least of it.

243. In proceeding by attachment, what are the costs of a suit?—I have never had a defended case of attachment: the cases of attachment I have entertained have been where the defendant has struck; and the costs taxed against him, I think, have amounted to somewhere about 7*l.* The Committee is aware that in proceeding by attachment where the proceedings are on the record of the said court, they go by declaration, by plea, by rule for judgment, and by judgment, as in the superior courts.

244. Mr. *Jephson.*] To what do you attribute the fact, that there have been no defended cases of attachment?—Merely to the fact, that the plaintiff had a good cause of action, and that the defendant, finding his goods impounded by the attachment, made terms and settled the demand.

245. Do you consider the power of attachment is a power that is beneficially attached to this office of seneschal?—With the exception of the class of cases that I pointed out in a former answer, I do think it a dangerous power. There was one remarkable case of attachment that I had; the amount was above 200*l.*; when the goods were seized, the plaintiff came into court by counsel (the landlord having laid on a distress for rent) to retain the property as against the landlord; the case was argued, and there was a judgment in which the parties acquiesced.

246. *Chairman.*] Was that for the plaintiff or the defendant?—The court decided against the plaintiff in that case. I did so upon the authority of a similar case that had been decided in the Court of Exchequer, and I felt safe in following that decision.

247. Did the defendant also appear by counsel?—He did not appear at all.

248. Mr. *Jephson.*] In civil bill cases you frequently have them defended?—I should say almost always.

249. In cases which are preceded by attachment, you never have them defended?—We never have.

250. Do you suppose it a cause of difference in the debt about the sum, that made the procedure appear to have that difference in the result as to the defence or only of the suit?—In cases of attachment I have ever attributed it, and do so still, to the effect of a demand against a defendant in attachment being an honest one; the cases coming before me happening to be honest ones and admitting of a compromise.

251. Have you read the 25 Geo. 3, which relates to the fees of the manor court, attentively?—I have.

252. Do you conceive that it gives a new jurisdiction to the manor court?—I think it gives a new jurisdiction of a civil bill nature.

253. Do you say that it gives a new mode of procedure as to cases upon which they have previously adjudicated, or that it gives a new class of cases upon which to adjudicate?—I take it to be a new mode of procedure.

 254. Then

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254. Then it is what a lawyer would call a new jurisdiction, strictly?—I would call it a civil bill jurisdiction, which it had not before.

255. Do you think that there is any power given to the manor court by the 25 Geo. 3?—I do; the power of summoning juries to try civil bill cases. I think the trial by jury, for such purpose, is distinctly the creature of the 25 Geo. 3, and the other Manor Court Acts.

256. In the answer of a previous witness, he states that the intervention of a jury was first conferred by the statute of the 25 Geo. 3; at the period of passing that Act of Parliament there was no jurisdiction in Ireland for the recovery of small debts in a similar way, except such jurisdiction as was passed by the manor courts; now, in what respect was that giving a new jurisdiction?—I think in my former answer I stated it was a new procedure; I think that statute was enacted in order to give a new mode of procedure for the recovery of debts in those courts. I conceive the charter to give the manor courts a jurisdiction, and the Act of Parliament a mode of procedure upon that jurisdiction.

257. By what clause of the 25 Geo. 3, can any manor court, except those of Dublin, which are specially excepted, exempt itself from the operation of this Act?—I think there is no such clause; I think you will find in the 7 & 8 Geo. 3, only an exemption. My impression of the 7 & 8 is this, that it giving a new mode of proceeding specifically to the manor courts of the county and city of Dublin, is likewise extended to all the manor courts of Ireland.

258. Previous to the Act last referred to, and having reference only to the 25 Geo. 3, and excepting the manor court of Dublin, do you think that any manor court (having a jurisdiction not exceeding 10 *l.*, and in some cases of 1 *l.*, in the Act) could have legally charged a greater sum than the fees stated in that Act?—I certainly think they could not.

259. Is there any exception in this Act in cases carried on by pleading?—No; I think, under the Act, that no manor court could legally exceed the fees which are pointed out by the Act.

260. *Chairman.*] Does that answer refer to the proceeding by common law and the attachment process, as well as to proceedings by civil bill?—No; I think strictly to proceedings by civil bill by the mode of procedure under the Act. I think you must construe that strictly; that where the new mode of procedure is so distinctly pointed out, and these fees part and parcel of that new mode of procedure, the legality or illegality of exacting a larger fee must be always with reference to whether this mode of procedure has or has not been adopted.

261. Would not the same process of reasoning lead also to this, that this is a mode of procedure which is directed to all manor courts in the cases stated in the Act?—The question would come to this, whether the 25 Geo. 3 being law, any manor court contemplated by it could entertain a case under any other mode of procedure than this.

262. In the first clause of that Act, I find the words, "That it shall and may be lawful to and for the several seneschals, &c." Do you mean that the words "shall and may" imply compulsion upon the several seneschals to adopt the proceeding?—I do.

263. You think so?—I do, in those cases.

264. Mr. *Jephson.*] Then do you think, that in the cases stated in the 25 Geo. 3, it would be competent to any manor court to proceed otherwise than by the course of judicature pointed out by that act?—My answer is, that reasoning upon the 25 Geo. 3 by itself, without reference to subsequent enactments, I think it might be a debatable question.

265. My question only refers to cases under 10 *l.*?—It is a question I can scarcely answer unless by arguing it.

266. *Chairman*] With regard to the execution of a decree in your court, to whom is that execution entrusted?—To the marshal of the court.

267. Whether that decree be directed against the body or the goods?—In either case.

268. Mr. *Vesey.*] In the manor of Bray, is there a marshal attached to that court?—He is called a bailiff there; it is the same office.

269. *Chairman*] It is not held by the same person?—No, it is not.

270. Is there any difficulty found in the execution of a decree by the marshal or bailiff?—There has been, but not often.

271. Are

271. Are there complaints of hardship, of excess of distress, or of any other jurisdiction exercised by the officers in the execution of those decrees?—I never had one.

272. Of course you attribute that to the circumstance of the proper qualification and good conduct of the officers?—I do.

273. In the hands of an improper person the powers might be liable to abuse?—They might; and I consider that the vice of the whole jurisdiction.

274. You mean the want of sufficient security for the responsibility of the officers?—I do.

275. What are the costs of the execution of a decree; is there any fee paid to the marshal?—There is 6 *d.* in the first 1 *l.*, and 3 *d.* in each 1 *l.* afterwards.

276. These costs are in addition to the costs which you have already mentioned of the suit?—Yes.

276.* Mr. *Vesey.*] Have you many cases of wages coming before your court?—Yes.

277. In those cases, where you have decided against the defendant, has the defendant appealed against that decision?—No; not in a single instance that I bear recollection of.

278. In cases of appeal generally, how many of your decisions have been confirmed, and how many reversed; can you state proportionately how they have been?—I recollect one decision reversed; that is all I recollect reversed.

279. And how many confirmed?—There have been very few appeals; perhaps half a dozen; one was reversed, the others were confirmed.

280. In cases of wages, are not the defendants generally shopkeepers?—Yes; generally of the better class.

281. Is it not a grievous power for a defendant to have, of appeal in cases of wages?—I think it is a great hardship.

282. Do you not think a defendant, if he appeals, by forcing the plaintiff into a superior court, has a power of stopping him from prosecuting his suit?—I do; I ever looked upon appeal in cases of wages as a very great hardship upon the plaintiff, because of the nature of the demand.

283. But in your court it has never been exercised?—Not in the case of wages.

284. Mr. *Hamilton.*] What notice is required previous to the sale of goods under distress or execution?—Four days.

285. What is done with the goods during these four days?—The marshal has them either removed to his own house, or he lets them remain in the house of the defendant, being assured of their safety.

286. The marshal is answerable, I presume, for their safety during that period?—He is.

287. Is public notice requisite previous to the sale?—Yes.

288. Mr. *Villiers Stuart.*] Have you the means of knowing, in your district, whether people prefer your court to that of the petty sessions for the trial of wages cases?—Is that question with reference to the court of Bray?

288*. Yes?—I hold the commission of the peace for the counties of Wicklow and Dublin, which enables me, each day I hold a court at Bray, to sit also at petty sessions; and I have found more cases of that kind come before petty sessions than before my manor court, where I was sitting with a jury; and I attribute this to the cause, that a summons before petty sessions is so very cheap, and a summons before a manor court so very dear. Sitting in both places, I have invariably said, Cases of wages should not come into the manor court; it is too expensive; why not go to the petty sessions, where you may get a summons for sixpence?

289. *Chairman.*] Is your manor coextensive with the district of Bray?—It is.

290. Mr. *Villiers Stuart.*] Do you not think it desirable that magistrates should have more power, or any power, in deciding cases of small debt?—No, I do not; merely for this reason,—perhaps it may not look well coming from me, as a professional man,—but merely for this reason, that, not being legally educated, they might, or might not, exercise a proper judgment. I have ever thought that, in the administration of law, one false step does a great deal of injury.

291. Mr. *Hamilton.*] It follows from that, I presume, that there should be a qualification attached to the office of seneschal of that kind of court?—I think there should.

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292. In fact, that the seneschal should be a professional person, educated to the law?—Certainly; otherwise I think he is capable of doing a great deal of harm. I recollect a very uncommon case myself, if you will permit me to give it without mentioning the names. A gentleman was introduced to me at Dublin to be taught, if I might say so, the business of a seneschal; he met me at the court-house, and, while the jury was calling over, I said to him, "You are the seneschal of a particular court, what is the amount of your jurisdiction?" He said his jurisdiction amounted to 30 *l.* "And you are going to preside over it: have you been legally educated?" "No."—"Neither as a barrister, nor as an attorney?" "No."—"Are you at all acquainted with the general mode of trial or of holding courts?" He said, No; but that the people knew him, and that he had no doubt about himself. It could not but strike me, from this fact, that there might be melancholy mistakes made by him in the jurisdiction over which he was appointed to preside; and it confirmed my opinions still more about the necessity of a qualification.

293. But he was a gentleman who had received a liberal and good education?—No; I cannot say that he was.

294. Are you aware, generally speaking, whether the seneschals of manor courts are professional men or not?—My impression is that they are not.

295. Mr. *Vesey.*] You stated that you would recommend professional people to be seneschals generally in Ireland?—I would.

296. Do you think it advisable to appoint practising attornies as seneschals in various counties?—I do not.

297. Then, as a professional man, do you restrict that form to barristers?—Yes; to barristers.

298. But do you think generally in Ireland you would be able to procure barristers to attend the county sessions court?—No, they would not; the emolument is too trifling for any barrister in a country part of Ireland to give his time to it.

299. Then, in country parts in Ireland, what description of persons would you recommend generally to be appointed as seneschals?—I think there a great difficulty arises; if you retain manor courts, I do not see any reason why, being a court of law, the head of it should not be equally qualified and equally respectable as the head of any other judicature, and I think that is the great *desideratum;* if you can get a barrister to take it, I think he will safely administer the law; if not, I think it runs much chance of not being well administered.

300. Do you not think persons qualified to act as magistrates, and accustomed to country business, might be able and sufficiently educated in law to hold a court?—I do not. I find, where a case may be to the amount of 100 *l.* to be tried by a jury, that it requires something more than the general acquirement of law which magistrates have; if a point of evidence arise, it requires the decision of a man used to the decision of the courts above, or practised in reading the reports; and many other points might also arise in such trials, which would require the knowledge of a man who had been technically educated, or at least more educated, generally speaking, than gentlemen who, not making the law their profession, have not the opportunity or the time to give to it.

301. *Chairman.*] With regard to a court in which the jurisdiction is limited to 40 *s.*, do you conceive in those cases a person qualified to be a magistrate, and in that situation in life in which magistrates generally are, might safely and efficiently act as a seneschal of the court?—Yes, when the sum is so small as you state.

302. Mr. *Hamilton.*] Then, in point of fact, the efficiency of a manor court depends upon the character and situation of the gentleman who presides?—I think so altogether; and I think therefore, it may or may not be a salutary jurisdiction.

303. Is Lord Meath, as lord of the manor at Donore, at all responsible for your acts as seneschal?—I should say, certainly not.

304. Mr. *Vesey.*] Do you think that the power of the seneschal, as to enforcing the attendance of jurors, is sufficient to procure their attendance?—I do, speaking from my experience.

305. Then, with regard to the proper attendance of jurors, you have no suggestion to offer to improve the courts?—None; I have found the powers I have exercised, and I think legally exercised, fully sufficient.

306. Have you a suggestion to offer with regard to the power of attachment in your court, as to any change that ought to be made?—If I were to suggest at all,

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it would be for its total abrogation; I have looked upon it as a very dangerous process for courts which may not be responsibly filled to possess.

307. *Chairman.*] Is not the power of attachment very often the most popular part of the jurisdiction among shopkeepers in your town district?—I have not had an opportunity to judge of that; I found the shopkeepers coming by civil bill into court against the defendant, and that they were satisfied with it; I have already stated, there were very few cases of attachment.

308. Mr. *Vesey.*] Either in Dublin or Bray?—I never had one in Bray.

309. Do not you conceive the power ofattachment sometimes necessary, when the limit of jurisdiction is very widely extended, the defendant coming from a different part of the country, or living at a distance from the town; in that case that the power of attachment is necessary?—No; I cannot conceive that would make an alteration.

310. Mr. *Lucas.*] Have you remarked a desire upon the part of shopkeepers to employ the power of attachment as a means of oppression?—No, I have not; my experience altogether upon those cases has been small, and from the cases I have already noticed, my impression ought to be otherwise, inasmuch as the defendant has paid the debts, or settled them.

311. *Chairman.*] Are you acquainted with any other manor courts, except that over which you are seneschal?—No more than I have already stated.

312. There are several others in the neighbourhood of Dublin?—There are; Kilmainham, St. Sepulchre's, and Grange Gorman.

313. The seneschal of Kilmainham is an assistant barrister also?—Yes.

314. Is the manor of Kilmainham an extensive one?—It is not.

315. Is the seneschal of St. Sepulchre an assistant barrister?—No.

316. Mr. *Hamilton.*] Are you aware that the jurisdiction of St. Sepulchre extends to an extreme distance in point of locality?—It does.

317. *Chairman.*] Are there many detached districts belonging to it?—Yes, many; Swords, Baldoyle; Swords I know is within the jurisdiction.

318. Are manor courts held in those detached parts, so as to suit the convenience of the suitors?—I understand, at Swords there is an officer, a portreeve; and I am told that he holds the courts.

319. As a deputy of the seneschal?—In the nature of a deputy.

320. A delegate of a delegate?—So it would appear.

321. Mr. *Hamilton.*] Are you aware how the portreeve is appointed?—No; I cannot say.

322. At the manor of Grange Gorman, the seneschal of that court, Mr. Cole, is also a barrister?—He is.

323. That is an extensive manor, is it not?—It is.

324. It contains a large district on the north of Dublin?—Yes; and I am told it involves within an attached jurisdiction, Kingston.

325. And I believe a court is held within the detached division of Kingston?—I believe now there is.

326. For a length of time, was there not?—I believe not for a length of time.

327. There is a regular court-house for the manor of Kilmainham, is there not?—My impression is that there is not.

328. Are you aware what sort of a place the manor court of Kilmainham is held in?—I understand, a room of a dwelling house; my impression is that there is no court-house.

329. Is there a court-house in Saint Sepulchre's manor?—There is.

330. In the manor of Grange Gorman there is one, is there not?—I believe there is not.

331. Has it not been the subject of considerable complaint, the want of a sufficient court for seneschal's matters?—Yes.

332. Do you not consider the practice which prevails sometimes in the absence of court-houses of holding manor courts at public-houses liable to very great abuse?—I do.

333. It has a tendency to corrupt juries, especially when of a low class, to a great extent?—I think a worse place could not be selected in every view of the word worse.

334. Mr. *Vesey.*] With regard to competent persons to fill the situation of seneschal, when practising barristers could not be found to act as seneschals,

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do not you think a person competent to be agent to a property would be sufficient?—He would be respectable no doubt, and therefore act with integrity; and if that were the only question, I should say, that a court of the kind could not be in better hands; but if these other questions arose, which the extent of jurisdiction of such a court will admit of, I think his deficiency would then become apparent.

335. Mr. *Hamilton.*] Is there a power under your charter of appointing a clerk of the market, and summoning market juries?—I have the power of summoning juries under the 27 Geo. 3. It is a statuteable right, and under the charter there is a power of appointing a clerk of the market.

336. Do you consider the power of appointing market juries is a salutary one?—Decidedly, I do. I have had experience of it for eight or nine years, and I find it work a great deal of good.

337. Is there any qualification for the office of market juries?—None.

338. *Chairman.*] Under what statute?—The 27 Geo. 3, c. 46.

339. Mr. *Hamilton.*] Do you find respectable persons ready to undertake the office?—Not very ready, for the labour of it is rather heavy, but respectable persons I always can and do get.

340. Have you a power of enforcing and compelling them to accept the office?—I have; the statute empowers me to levy a fine to the amount of 4 *l.* upon persons refusing to fill the office.

341. Is there any remuneration attached to the office?—None whatever.

342. Their duty, I believe, is to detect false weights?—False weights and measures.

343. Or adulterated provisions?—Yes; the provisions are brought into court, also the false weights; the provisions are disposed of and given to the poor.

344. What are the means taken to decide upon the adulteration of provisions?—Direct complaint to myself. The tradesman from whom the provisions have been taken, if he thinks they have been wrongfully taken, comes at once to me to obtain a summons for the clerk of the market with his jury, and there is a personal examination to decide upon the complaint; the jurors are upon oath. In some cases I have given back the provisions; in most cases I have retained them. These complaints have not been frequent.

345. How are the provisions disposed of if condemned?—I give them to the poor. There is a certain number of persons who go out with the jury to carry baskets, called Cleave Men; they receive no payment; and when a distribution is made of what they bring home, on its being condemned, if bread, I give them three or four loaves each; the rest I give to an infant school to which the poor children in the Liberty are sent; the fines that I levy from time to time I give to the different charities in the place. There are many self-constituted charities, calling themselves by different names, with which I am acquainted; and I give the fines among them, making them give such acknowledgments that the people may be aware how the money goes, and the mode in which those fines are distributed.

346. Is the clerk of the market appointed by you as seneschal?—He is appointable, I consider, by me as seneschal; but he was in office before I went there, and I left him undisturbed.

347. Do you happen to know what fees he is entitled to for performing his duty?—I do not.

348. Can you say if those fees are receivable under Lord Meath's charter?—I cannot say; my impression rather is that they are receivable under the Act of Parliament which regulates the butter trade in Dublin.

349. But, independent of that, is there any manorial jurisdiction?—There is, but there never has been any occasion to look into it; I have had no complaint, no excess having ever grown of it.

350. Reverting again to a topic before touched upon, I will ask you how far, under the civil bill jurisdiction, the Recorder of Dublin interferes with you in respect of those parts of the manor which are within the city of Dublin. Does it override you?—Do you allude to the chairman of the court?

351. The recorder?—My impression is that it does not override mine; I have looked upon it as a concurrent jurisdiction.

352. Are there many civil bills tried in your court in the city of Dublin?—That come from the east?

353. That come from the east of your manor?—There are.

354. So that, notwithstanding the existence of a civil bill court for the county, at Kilmainham, and for the city under the recorder, you find that there are persons who come into your court to have their cases tried?—I do, and regularly; once in each week.

355. *Chairman.*] Are there any particular defects in the constitution of the manor courts, with which you are acquainted, that you wish to point out to the Committee?—The striking defect is the non-qualification of the person who presides.

356. Mr. *Vesey.*] And the attachment?—I consider the evil of attachment to be great, because it places a power in the hands of unqualified persons. I consider that to be most of the evil.

357. *Chairman.*] Then, with regard to juries, the law is sufficiently defined upon that point. Is there any defect as to the qualification of persons who may be summoned as jurors?—The law, I think, is sufficiently defined; in my experience of it I have found it so; the qualification of the persons summoned, is generally a qualification of a low description, but, in my view of looking at the people, I have never objected to them upon that account; for I have always thought it a good thing for the lower classes to be brought within eyesight of the administration of the law, to let them see that they could be protected and benefited by it.

358. But in the hands of a seneschal, either from ignorance or carelessness, in the due execution of it, might there not creep in great laxity as to the selection of proper persons for jurors?—Decidedly.

359. In fact, where the seneschal was a person totally unqualified, the jurors would become if possible still more so?—I think so.

360. You consider it necessary that jurors should be residents of the manor?—I do.

361. In point of common law it is requisite that they should be tenants of the manor?—I never looked strictly whether they were tenants or not. I thought it sufficient if I got them within it. I was satisfied, because if once within it, they were amenable to my process of contempt.

362. Are you aware that in many manor courts the summoning of the jury is almost totally neglected, and that they are taken promiscuously often from the bystanders of the court?—I am not aware.

363. That has not happened in any court when you were present?—I have been myself upon some occasions, when I fined juries for non-attendance, obliged to take from the bystanders. But I find that this fatality attends all courts with regard to jurors.

364. Would you conceive in that case, the body of the jury not being properly qualified as residents of the manor, that an appeal upon that ground would be fatal to the decision of the case?—I doubt if it would, for I think the court above would substantially weigh the merits of the case, and would not permit so nice a point to be the subject of litigation.

365. Is it the practice of your court for the jurors to give their verdicts at the termination of each case?—It is.

366. What do you consider of the practice of a court where the jurors do not decide upon cases until the whole of the day's business has been gone through, and then give their verdicts in a heap upon the whole mass of cases submitted to them?—I consider that nothing short of mockery.

367. Would you consider that a point that would upset a decision of the jury if it was proved?—I should think it ought, for no judge of appeal could suppose that the facts of each case had been gone through in such a manner as to enable them honestly to come to a verdict.

368. Do the jury retire from the court to deliberate?—They do; they have a room for the purpose, and the court-keeper has the charge of the door.

369. Of course you yourself have never entered into the room while they have been deliberating?—I have never been in the room while they have been there.

370. In point of fact the courts, I speak not merely of your own, but other

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courts with which you are acquainted, they are of a superior class to those which generally exist through the country?—I should think so; and without meaning to affront those who hold those country courts, I think it mainly springs from the accident of barristers not holding those courts; they are not so zealous, they have not that professional character to take care of; they are correct and honest, I have no doubt, but when a barrister is put upon any court, it is always found to be more beneficial.

371. Are there any suggestions you wish to make as to the remedy of abuses which come under your knowledge?—No; of course it is not my business to presume here to give a general opinion upon the question at large before the Committee, but from what has happened within my own knowledge, I think I have found that the law has been honestly and fairly worked out for the benefit of the people; that is my unerring conviction, from my own experience.

372. Public opinion also has a considerable influence upon the courts with which you are acquainted?—Very much so.

373. And you consider, of course, there is much less objection to a court held in a city, or in the neighbourhood of a populous city, than there would be in a court held in a remote part of the country where the responsibility to the public opinion could not be so much felt?—I do think so.

374. Mr. *Hamilton.*] From what I collect from your evidence, besides the qualifications of seneschal, you conceive that there should be in every instance a regular court-house?—I do; I think they should have all the accompaniments in their administration that the law is entitled to. The solemnity and majesty that we are apt to attribute to the law should be kept up, and those outward accompaniments I think produce a good effect upon the people.

375. *Chairman.*] What is the general number of cases before you on each court day?—I should say upon the average about eight or ten.

376. Does that refer to the Bray Court?—No, that refers to Thomas Court, where I sit weekly; the average number of cases at Bray Court I would state at about double that number.

377. Have you ever had occasion to empannel a second jury upon a court-day?—I have upon one or two occasions, when the first jury had deliberated longer in the jury-room, making up their minds to the verdict, than convenient for the general business of the court; in such cases a second jury has been empanneled.

378. Mr. *Villiers Stuart.*] At the court of Bray have you ever had occasion to have recourse to it?—I have.

379. Mr. *Hamilton.*] In reference to a defect in the present system, does it not occur to you to be desirable that the precise bounds of the manorial jurisdiction should be ascertained, so that the public might know them?—I do; I think a great hardship grows out of this. I have known cases of roguery successfully practised by a man having a knowledge of the boundaries of these local jurisdictions; I have known a case where, in Mr. Ratcliffe's manor, which is next to mine, a defendant having a decree against him, before execution of that decree he comes over into my jurisdiction; he thereby evades the process of Mr. Ratcliffe. If he be sued, having come into mine, the plaintiff is liable to nonsuit, the cause of action not being within my manor, so that in that case the plaintiff pays the expense of suit in both manors, and gets justice in neither. This is a case where I think the manor-court jurisdiction anything but a benefit to the public, and which has induced me to think that there is much more good to be attained by the assistant-barrister's court, because such a case would be remedied at once by the chairman of the court of the county.

380. The evil to which you have alluded arises out of a multiplicity of jurisdictions?—It does so.

381. So that in your opinion it would be desirable that the quarter-sessions court should be multiplied and the manorial court abolished?—I think that would be the only substantial remedy; I have no doubt about it. The quarter-session-court has jurisdiction both in criminal law and in civil bill matters. The chairmen are men of character, presiding both as magistrates of the county, and as assistant-barristers; and if their sittings were multiplied, I think that the people would soon feel a substantial benefit arising from it.

382. Have

382. Have there been a great many parts of the country, within your knowledge, over which no manorial jurisdiction extends?—I cannot say within my knowledge, but my impression is that there are parts so circumstanced.

383. And at any rate would it not be considered desirable that the jurisdiction of the manor courts should be preserved, that it should be extended in the same manner, or that a similar jurisdiction should be extended over those parts; in fact, if it be of advantage, that it should be extended, and the defects altogether removed?—I think that would be my opinion.

384. Now suppose the lord of the manor sold his property, should you suppose that he would have jurisdiction after the transfer of his property had taken place?—I can scarcely give an answer to that, but I know what I should do under the circumstances. I should ask the gentleman into whose hands the property came by such transfer, whether he conceived I was to continue superintending his court or not.

385. *Chairman.*] Do you conceive the appointment to be for life, or at the pleasure of the lord of the manor?—I conceive that I am appointed at the pleasure of the lord of the manor; I have an appointment from Lord Meath under his hand, but I never read it; I take it for granted what he gave me was correct; I did not think it necessary to read what the terms were.

386. Mr. *Vesey.*] You stated, you thought it would be advisable to abolish manor courts and to substitute in their place the quarter-sessions court, and that the quarter sessions should be held more frequently and at a greater number of places?—I think so.

387. Do you think that would be popular among the people who have been accustomed to attend the manor courts?—I do think it would, because I attribute the popularity of the manor courts to their being properly and honestly administered; and I conceive that the same reason would make the assistant-barrister's court popular.

388. Do you think if there were more courts and less frequently held, or courts in general less frequently held, that fewer cases would come before them; that they would lessen litigation altogether?—Fewer cases might come before them, but whether there would be less litigation among the people is another question. Frequently holding courts operates beneficially, it brings cases forward to be decided by a court, which, if undecided by a court whose decision they would respect, and left to private arbitration, ill-blood and clanish feeling might be excited; and I am persuaded that since I held a court regularly in Bray, and also in Thomas Court, that both districts have been very peaceable; that the people in both districts are content; and in regard to both, that their conduct has been highly creditable.

389. Do you think in many cases, where a person was going to sue another, that if the court were less frequently held, that he would be more likely to make up the difference?—I do; but the great question is, what would the moral effect be; would it give the same satisfactory decision to the question that a court would give? I should say no; I think that the effect of a decision of twelve men has a great effect upon the people, for however obstinate the plaintiff or defendant may be when they find twelve men upon their oaths deciding either against them or for them, it convinces them that they are either right or wrong, and they succumb to it from the feeling that it is right, and that they should do so.

390. I think you said, that the judgment being given by twelve men gives a satisfaction to the people?—I think so; it contributes.

391. But that will not apply to the assistant-barrister's court, therefore the greater frequency of holding quarter sessions will not give equal satisfaction to the people?—The assistant-barrister may, if he pleases, call a jury, and as I understand he often does, therefore I think the people having the choice would prefer that court.

392. Mr. *Villiers Stuart.*] The jury would not come precisely within that jurisdiction; does it rest with the party to determine whether there shall be a jury or not?—I am aware the assistant-barrister has a right to exercise his discretion; I cannot say whether the parties have a right to demand it.

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393. Mr. *Vesey.*] Do you not think it would have a bad effect holding the quarter sessions more frequently; that there would be more litigation in consequence?—I would not call that a bad effect; I conceive that a court of justice is a safety valve for turbulent feelings; that differences are much better disposed of by being adjudicated upon publicly, than if adjudicated upon privately.

394. And therefore you think that the frequency of litigation would be beneficial, by giving facility to litigation, than running the chance of the matter being made up?—I do certainly; for I think the nature of man is to appeal to a judge of some kind or other, and that it is better he should appeal to a court uninfluenced on either side of the question, who would fairly decide between both parties.

395. Do you not conceive litigation very often causes ill-blood to arise, even after the case is disposed of?—I cannot say but it may, but I should imagine less of that arises from a regular court of jurisdiction than a self-created one.

396. Is it the practice within your jurisdiction for cases to be disposed of by arbitration?—Yes, many are settled.

397. Do you not conceive that mode of settling a difference more beneficial than going into court?—I conceive that the settlement in those cases has arisen, because the court was ready upon the instant to take up the case if the parties would not agree; I think the very thing that operated upon them was the court itself; from that circumstance I looked upon it almost as a part of the arbitration.

398. Do you think there would be fewer arbitrations if the courts were less frequently held?—I cannot say that I do, if the courts were held less frequently, because then they must settle it by arbitration.

399. But do you not think that arbitrations would cause less ill-blood than litigation?—I cannot say but that I conceive arbitrations are highly desirable; but referring your question to the principle upon which you are now examining me, that is whether the court should be held less frequently or not, I conceive that arbitrations are eminently useful, because with the knowledge of the court in existence to adjudicate, it gives to the arbitrators the opportunity to adjudicate upon the very same principle that the court itself would, as an appeal would lie directly to the court from the arbitration, should the arbitrators fail to give them justice.

400. But then the case going to court would be ultimately a step in the case of future arbitrations, and therefore do you not think that going to arbitration would be beneficial to the peace of the country generally?—I do; but I look upon that as distinct from their bearing upon the non-existence of a court.

401. *Chairman.*] You draw a distinction between the moral effect of an arbitration submitted to voluntarily, and an arbitration which resulted from what I may call compulsion, by delay of the administration of justice?—I do.

402. Do you not think there is another difference in the manor court, from the circumstance of the emolument arising almost altogether from fees?—I do think it is a temptation to encourage litigation.

403. If the seneschal is not in that condition of life that he is restrained by regard to his own character, you conceive that it is a temptation to him?—I do. The largest portion of a seneschal's fees is for signing a decree, and I conceive that it would be a temptation to the seneschal, in every instance, to sign a decree, in practice I know that this is unnecessary, for I have found generally that when a jury give their verdict, the plaintiff or defendant submit at once to it, except in cases where they appeal, and therefore signing the decree becomes an unnecessary act; but still from the largeness of the fee it might be a temptation to the seneschal to sign a decree in every case.

404. Should you therefore be surprized to learn, that in many country districts seneschals are in the habit of requiring a certain amount, I believe the full costs of the suit, to be lodged with them before they will issue their summons?—I conceive they do so without any colour of law whatever.

405. That course might be resorted to for the purpose of ensuring the trial of the cause and preventing any settlement before it came into court?—It might be.

406. Mr. *Vesey.*] Is there any penalty in case of mal-administration?—No penalty; but a court of law would entertain an action on it. I know of a case where

where such an action was tried; and if I recollect, the court acted very nearly on the same principle as it does where a magistrate, as such, is a defendant, obliging the plaintiff to prove corrupt or oppressive motives on the part of the defendant; but a seneschal is not protected by particular statute as the magistrate is.

407. Mr. *Hamilton.*] Would there be any remedy in case a seneschal refused to issue summons without a lodgment of the money in dispute?—I fear the party would be driven to a mandamus.

408. Mr. *Villiers Stuart.*] If the seneschal chooses, he can now decree without the parties asking for it; he can oblige them to go to the expense of a decree?—No; but I think were a man inclined to forget the propriety of his conduct, particularly in a rural district, he might say the decree was a necessary act; where the people are less intelligent, I think they might be likely to be imposed upon.

409. Mr. *Bridgeman.*] What is the price of an attachment process?—There is 1 *s.* for the affidavit, 1 *s.* upon the writ that goes against the person upon which a *non est* is indorsed as a matter of course, and I think 1 *s.* for the writ that goes against the goods. I think the fee to the seneschal in case of attachment is 3 *s.*

410. And that all goes to the seneschal?—Yes.

411. Now if it were double that, do you think it would be very legal?—No.

412. But these attachment fees, are they not limited by the respective charters in general?—My table of attachment fees I took from the person who had been registrar in court for many years before, and he told me that he had taken them from older books of persons who had been there before his time, and I thus satisfied my own sense of propriety as to the fees. Mr. Ratcliffe, I found, had the same scale of fees, and both he and I satisfied ourselves that we did not give our sanction to that which was wrong.

413. *Chairman.*] You are not aware of the statute which regulates the fees upon those proceedings by attachments?—No, I am not aware of any statute in respect of them.

414. Mr. *Hamilton.*] Are you aware of the law under which a copy of the charter is to be deposited with the clerk of the peace, or any public functionary?—There is the 27 Geo. 3, but it had become inoperative as to that point; for it required, under the penalty set out in the statute, that this charter should be lodged previous to the first of August 1787, so that if not complied with by the seneschal of the manor courts before that day, it appeared to be inoperative as to any subsequent officer.

415. Does it not appear to you desirable that that law should be passed, for the lodgment of a copy of the charter, where it might be inspected by the public?—Upon those points?

416. Yes, with the view of ascertaining the jurisdiction and amount of fees, and other matters of that kind?—I think it would be serviceable.

417. Is there any power in Lord Meath's charter with regard to local taxation in the manor?—There had been, but it was done away with by the extension of the Lighting and Paving Act in Dublin.

418. Well, is there anything in it with regard to the right of water of the river Dodder?—No, not of the Dodder, but of the Poodle; but, however, that has been regulated by his own leases to his tenants; he makes it a covenant in his lease between landlord and tenant.

419. So that the rights, whatever they may have been formerly, are now formally abrogated?—I conceive that there is nothing now left to be done by the grand jury of the manor but to make presentments as to old and ruinous houses, and also appoint constables for the different wards.

420. Is that power exercised practically?—It is; I call upon them every half-year so to do.

421. Do you summon the grand jury for that particular purpose?—Yes, I summon them every half-year at Easter and Michaelmas, and they remain in for the half-year following; I find them useful in respect of the presentments; if the presentments can be sustained, the proper parties have to be served; the

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presentments equally affect persons resident as well as persons non-resident in the manor, provided that they are owners of property within it; according to such presentments, old houses are taken down and others repaired.

422. The presentments, I presume, are made at a leet court attended by yourself?—Yes.

423. What is the power of enforcement in the event of parties not complying?—The question, practically, has never arisen with me.

424. But are you not prepared to say, that a presentment sustained by yourself, and sanctioned by the lord of the manor, could be acted upon by the sheriff of the county, in the manner of ordinary presentments?—Certainly it could, but not by the sheriff, but by the marshal of the court.

425. Has the grand jury any other functions to perform besides those that you have mentioned?—None other.

426. You have mentioned the appointment of constables?—Yes; twelve constables each half year.

427. Do the constables derive their authority as peace officers from the charter, or from the statute?—From statute in aid of the charter; and under the direction of the statute, I return their names to the head-office of the police, where they are recognized as such.

428. Have you the name of the statute?—26 Geo. 3, c. 24.

429. Are those constables paid?—No; and from my experience I know their appointment to be useful, or else I should have discontinued it.

430. They have the authority of peace officers?—Of peace officers.

431. What class of persons are they usually?—Persons somewhat below the middle class, respectable shopkeepers or householders.

432. Do you find them willing to undertake the office?—I do. Upon one half year I had neglected their appointment, and I was hesitating in my own mind whether their office was useful or not; upon the next court day, the people represented the want of the police, which they stated was the cause of many robberies which had taken place, and begged me to re-appoint the constables to give them some means of taking care of themselves; this I did. I thought the reason a good one, and I have continued it ever since. The day police of Dublin is very defective, and the people felt the want of a remedy, which I thought creditable to them.

433. Do they co-operate with the market juries in seizing bread?—No, I would not admit of that; should an obstruction arise to the market jury, there is a statutable remedy to them growing out of the statute, which appoints them, and upon swearing in these men each half year, I direct their attention to that.

434. Mr. *Villiers Stuart.*] What is the peculiar duty of these constables?—Merely peace officers; they are using their own discretion to act as peace officers during their half year of office.

435. Before whom would parties be taken in case of a riot?—Before a police magistrate. I look upon them merely as an aid to the general police force, and I distinctly tell them so in their instructions, and if obstructed in their duty, not to make their appeal to me but to the office of police. I give them a warrant, showing that they have been appointed by me, in order to give them credit at the police office if they go to aid or assist them in any legitimate object.

436. Mr. *Hamilton.*] Have you any criminal jurisdiction as seneschal?—None.

Veneris, 28° die Aprilis, 1837.

MEMBERS PRESENT.

Mr. Brady.	Mr. Hamilton.
Mr. Bridgeman.	Mr. Jephson.
Mr. M. J. O'Connell.	Mr. Villiers Stuart.
Mr. French.	Mr. Vesey.

MORGAN JOHN O'CONNELL, ESQ., IN THE CHAIR.

John Edward Taylor, Esq., called in; and Examined.

J. E. Taylor, Esq.
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437. *Chairman.*] YOU are a magistrate of the county of Fermanagh, I believe? —Yes; and Tyrone, also.

438. Where do you reside?—At Cranbrook, near Brookborough.

439. You are seneschal of the manor of Brookborough?—I am.

440. As such, do you hold courts for the said manor?—I do.

441. Under whose authority?—The authority of the lord of the manor.

442. Who is he?—Sir Arthur Brooke.

443. How often do you hold your courts?—Once a month; it sometimes happens that I do not hold them quite so often; perhaps the average might be nine times in a year.

444. From what cause have they not been held regularly once a month; was it from non-attendance of jurors, or from what other cause?—Not from the non-attendance of jurors; the quantity of business in the court, I did not think, would justify me in holding it oftener.

445. What is the pecuniary extent of the jurisdiction?—Forty shillings, British.

446. Are the proceedings always by civil bill?—Always.

447. Do you always summon a jury?—Always.

448. Are they taken from the tenants of the manor?—They are, always, and freeholders of the county, mostly.

449. Mostly from that class who are electors for the county?—Yes.

450. Is the manor an extensive one?—It is a very large one.

451. Do you find any difficulty in getting proper persons to attend as jurors? —Not the least; I have a very large number to pick out of, and I take them in rotation; it may come to their turn about once in every three years.

452. Do the jurors complain of any hardship in being obliged to attend the court?—Not the least.

453. Is that because it comes so seldom upon them?—It comes so seldom that I never find the least difficulty.

454. Mr. *Villiers Stuart.*] They are chiefly tenants of the lord of the manor? —Yes, all.

455. *Chairman.*] Is the entire of the manor the estate of the lord of the manor?—It is.

456. Mr. *Villiers Stuart.*] Do they attend so regularly in consequence of your power as seneschal, or from any clause in their leases are they compelled to attend?—There is no clause in the lease compelling them, but I conceive I have the power, under the 25 Geo. 3, to compel their attendance if I choose; but as agent of the property I have never been obliged to have recourse to that power.

457. You partly attribute their attendance to your influence over them as agent?—Yes.

458. Mr. *Hamilton.*] Have they any disinclination themselves?—I never find any.

459. *Chairman.*] Is the decree of the court against body or goods?—Goods, entirely.

460. Then, of course, there is no power of imprisonment?—None.

461. Mr.

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461. Mr. *Hamilton.*] Are the bounds of the jurisdiction well understood and known; the bounds of the manor, if I may so?—Yes, it is a matter quite well defined, the town lands being all mentioned in the patent.

462. Can you state the population of the manor?—No, I cannot state the population; but I can tell the number of leaseholders, from which perhaps you may draw some conclusion.

463. Can you form a rough guess at the probable amount?—There are about 700 leaseholders.

464. *Chairman.*] Registered on the property?—No, not registered.

465. Mr. *Hamilton.*] In point of miles or acres, what may be about the extent?—I cannot say as to the miles, but the acres are upwards of 27,000 statute.

466. Then it is, in point of extent, a very large manor?—Very large; the most distant part of it is nine English miles from Brookborough.

467. Do the jurors come from the more distant as well as the nearer parts?—Yes.

468. Without disinclination?—Yes.

469. Does their readiness to come arise from any feeling that their attendance is a matter from which they all derive benefit; that the attendance of a respectable jury is a matter of public benefit?—I think that the feeling of the inhabitants of the manor is, that it is useful to support it, from the facility it gives them of recovering small debts.

470. Where is the nearest civil bill court next to that manor?—The civil bill court of that division is at Newton Butler, which is about 12 Irish miles from it.

471. You mean from the town of Brookborough?—Yes, it is 12 miles.

472. Is it nearer to any part of the manor?—No; the most remote part of the manor is nearer to Brookborough than the place where the civill bill court is held.

473. Mr. *Villiers Stuart.*] Do you think the people in general prefer the seneschal court to the barristers' court?—I think where the sum is under 40*s.* that they prefer going to the nearest court, and the most expeditious way of recovering debts due to them.

474. *Chairman.*] How often are the quarter sessions held at Newton Butler?—Four times in a year.

475. Mr. *Villiers Stuart.*] Is there a power of attachment in that court?—The power of attachment was in the manor court and not the quarter sessions.

476. Have you ever exercised it?—Never.

477. For what reason, if there is such a power?—I did not think it a justifiable thing to distrain any person's goods merely on the application of any person; and also I conceive, that the Civil Bill Act, in fact, was to supersede that mode of proceeding.

478. Mr. *Hamilton.*] Therefore, you conceive the process of attachment objectionable?—I do, unless it were modified.

479. Would you do away with the process of attachment altogether?—Not altogether. If it were modified I think it would prevent a fraudulent debtor absconding and carrying off his property.

480. What mode would you propose of modifying it?—An affidavit of the debt being due, in the first place, and security being given to oblige the plaintiff to proceed, and if not to put him in for the costs and damages. I believe the applications for attachment is often made out of spiteful motives.

481. *Chairman.*] How long have you been seneschal of the manor?—Since November 27th, 1826.

482. Are you aware whether your predecessor ever exercised this power of attachment?—I believe he did to his cost.

483. Was he a legal person or a magistrate?—Neither one nor the other.

484. Mr. *Hamilton.*] Are you a professional person?—No.

485. Mr. *Vesey.*] Will you be so good as to explain what you meant by saying he exercised that power "to his cost"?—I believe there was an action brought against him, and he suffered very severely.

486. Do you conceive that if a seneschal exercised the power of proceeding by attachment improperly, it is in the power of the party proceeded against by attachment to prosecute the seneschal?—I am afraid I might lay myself open to an action if I acted improperly. I do not think I am competent to give an opinion upon it.

487. *Chairman.*]

487. *Chairman.*] What are the costs of proceeding in your court?—The costs allowed by the Act of Parliament are 5 *s.* 6 *d.*

488. Five shillings and sixpence of the present currency?—Yes.

489. Then there is a fee for taking out the summons?—That is the total cost, except that it is at the option of the parties who receive the decree to give 1 *s.* to the jury.

490–1. As a fee to the jury?—Yes; it is an optional thing.

492. Mr. *Hamilton.*] Is it frequently the practice?—Almost always; scarcely ever objected to.

493. Mr. *Villiers Stuart.*] Where do you hold your courts?—In the town of Brookborough.

494. Is there a court-house?—Yes; I have a large room over the market-house, where the petty sessions are held; a very large room.

495. Has that been constantly used as the court-house for the manor?—It is the place I have always used.

496. Was it always used by your predecessor?—I cannot say.

497. Are you aware whether it had been in use before you were appointed to the office of seneschal?—I cannot answer the question whether it had or not.

498. Mr. *Vesey.*] Do you know any of the neighbouring manor courts?—I do not know the practice of them, but I know of one or two being in my neighbourhood.

499. Can you state where those manor courts are held, in what houses?—No, I cannot.

500. Are you aware whether they are held in public-houses, any of them?—I cannot say that.

501. In case a manor court was held in a public-house, what is your opinion?—I think it would be a very improper thing.

502. Can you state your reason for that?—It may be the object of the person who has the house to get the people to drink.

503. *Chairman.*] Is there any fee allowed to the bailiff of the court on the execution of the decree?—The bailiff is allowed 1 *s.* by the Act, I believe.

504. Is he not allowed a poundage?—I am afraid it would be a very small poundage on 40 *s.*; the 1 *s.* pays all.

505. Mr. *Hamilton.*] Is there a fee on signing the decree of execution?—The cost of the decree, by this Act, is 2 *s.* 6 *d.*

506. *Chairman.*] Is that 2 *s.* 6 *d.* in addition to the 5 *s.* 6 *d.*?—Not at all; the 5 *s.* 6 *d.* covers all legal expenses, except the bailiff's fee for making the seizure.

507. Is the decree usually signed?—No.

508. If the parties wish, after decree, to settle the case, do you give them the option of doing so?—The money is sometimes paid in court before the decree is issued; they save the 2 *s.* 6 *d.* by that.

509. Mr. *Vesey.*] Are the parties ever put to any further expense than actual costs?—Not that I am aware of; they may give a glass of whiskey to their witnesses, perhaps; I do not think they give them much more; they may lose the value of their day's work.

510. *Chairman.*] They do not give their whiskey in the court, or in the precincts of it?—No; I certainly should not allow that.

511. Mr. *Hamilton.*] Is that equally applicable to every other court?—I dare say it is.

512. *Chairman.*] Is not the same done on petty sessions days?—I dare say it is; a large number of disputes are made up over a glass of whiskey.

513. Mr. *Hamilton.*] How are the goods disposed of after the decree is signed?—Seizure is made by the marshal or bailiff of the manor; he takes them into his custody and advertises, and sells them in four days afterwards, but it is very seldom they are obliged to go so far.

514. Has he the custody of the goods in the mean time?—He has.

515. Has he any place connected with the manor to keep them in?—If they are cattle he has the pound.

516. If they are not live goods?—He must secure them in the best way he can.

517. He is answerable for them?—He is.

518. *Chairman.*] Does the bailiff give security?—He is obliged to do so; and I have the security under the Act, 50 *l.*

519. Are you yourself obliged to give security?—I am; not in 500 *l.*; I think it is optional with the assistant barrister what sum.

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520. You say you have only held on an average nine courts in a year?—Yes.

521. Have you adjourned the court over one month altogether at a time, or have you adjourned from one court day over the next court day, or have you on the next court day coming adjourned the court for want of attendance?—No; I generally know what day to adjourn the court to.

522. Have you a particular day, and what, for holding the court?—Yes, on a Saturday.

523. The first Saturday in every month, or every Saturday four weeks?—Every Saturday four weeks, if the quarter sessions do not intervene.

524. If anything intervenes, you do not feel yourself bound to hold it on that day?—I do not.

525. You conceive you are empowered by the charter to adjourn for more than a month, if you think fit to do so?—The charter only prevents me holding it oftener than once in a certain number of weeks, not oftener than every three weeks, I believe.

526. Have the juries in your court a separate box apart from the rest of the court?—There is a separate box, if they choose to go into it; but I generally have the place cleared, and the door locked, when they are considering.

527. Do they sit apart from the rest when the trial is going on?—They do; there is a railed-in place where the magistrates sit.

528. When they deliberate, the public are excluded from the court?—Certainly; I clear the whole court, and lock the door.

529. Do you remain outside yourself?—I do; I always remain outside.

530. Mr. *Vesey.*] Do the jury bring in their verdict in each case separately, or do they wait till a certain number of cases has been tried?—They give their verdicts altogether; the initias are given to them.

531. Do the jury retire and deliberate after each case?—No.

532. Do they wait till a certain number of cases has been tried?—They wait till they are all tried.

533. What then is the course they pursue?—The issue is signed by the foreman; and when they have decided I am called in to open the court.

534. Is the issue signed in each case, or are they signed altogether?—Sometimes separately, and sometimes altogether.

535. What is your opinion as to that mode of proceeding; do you consider it as likely to forward the interests of justice in the different cases, as if each case were decided separately?—It think it gets on quicker with the business than clearing the court every time.

536. Do you think the jury can deliberate on each case as well if they wait till the end of the day, and decide on them all at once, as if they were to decide on each case separately?—I do. That one jury tried several issues, and sometimes returned the verdict without leaving the box.

537. Mr. *Villiers Stuart.*] Do not they always consider one case before they go to another?—Of course they do.

538. Mr. *Brady.*] Do they retire to consider the case?—I clear the people out of the court.

539. In every case?—No.

540. You mean that the jury give in all their verdicts at one time?—Yes.

541. Mr. *Vesey.*] Do you mean to say at the assizes that is the case?—No.

542. Does one jury hear several cases before they retire?—They do at the manor court.

543. At the assizes, do they?—No; one jury, I believe, tries many cases.

544. At the assizes, does not the jury retire to deliberate after each case?—They do; but one jury tries several cases.

545. But they do not retire at the manor courts after each case?—No.

546. Therefore, the practice at the manor courts is different from what it is at the assizes?—It is.

547. Which do you think is more beneficial, the practice at the manor courts or at the assizes, as to trying the real justice of each case?—I think it saves time; and from there being so very few cases to try, sometimes only one, it comes to the same purpose.

548. Supposing there were any very difficult case came before them to be tried, would you then order the jury to retire to deliberate?—No.

549. You will still allow the case to be tried?—Yes.

550. And supposing that case came on early in the day, and that there might

might be seven or eight cases after it, do you think the jury would be able to deliberate on that case as well at the end of the day, after hearing seven or eight others, as they would do if they retired immediately after the case was tried?—I think on each case as they hear it, every man draws his own conclusion, so that they can decide on all the cases, and dispose of them.

551. Mr. *Villiers Stuart.*] Do they take the evidence down in writing?—No.

552. Some of them, I presume, cannot write?—Most of them can write.

553. Must it not be very difficult for the parties to retain in their recollection the evidence they hear when they have nve or six cases before them?—That is the system that is adopted.

554. As there are so very few cases, is not that a strong reason why you should decide each case separately; can there be any reason for not hearing each case separately?—You may think it better each case should be heard separately; but from the very few number of cases tried, I think the business is equally well managed.

555. Mr. *Bridgeman.*] Do you send every case to a jury?—Every case; I have no other power.

556. Are you in the habit of having only those few cases?—Very few cases.

557. Mr. *Villiers Stuart.*] What is the average number of cases on each court day?—Since 1826, there have been 371 cases entered; so that the average may be struck from that.

558. Is there any appeal from your court?—Yes.

559. To what?—To the judge of assize.

560. *Chairman.*] How many appeals have there been from your decrees?—Since 1833 there have been four appeals.

561. How many of those appeals came to trial?—Only one.

562. Was your decree affirmed or reversed?—It was affirmed. It is my opinion that the great number of appeals entered is merely to gain time, or out of bravado.

563. Do you consider the law is defective on the subject of appeals?—I do.

564. In what particular?—I think the costs should be increased on the lodging of the appeal; and I also think that there should be an affidavit that there was just ground of appeal, as it is, I believe, in the present Civil Bill Act; an affidavit from either of the parties that there are just grounds of appeal, and that it is not for the purpose of gaining time.

565. Mr. *Bridgeman.*] Why do you think the costs should be increased?—I think it would be apt to deter them from appealing; the present costs are only 1*s.*; and by appealing they may gain seven months' time, and keep a person out of his money seven months.

566. Do you consider that the distance of time might be remedied by altering the nature of the appeal, if it were given to the quarter sessions, for instance, instead of the assizes?—Yes.

567. You do not see any objection to that course?—No; the cost of appeal to the going judge of assize is rather large when they come to pay lawyers a guinea, and sometimes more; where the verdict perhaps is only 10*d.* it is not worth while.

568. Mr. *Vesey.*] Have you ever held a court leet?—Once only.

569. For what purpose was that?—It was to repair the pound, to appoint a billet-master and a weigh-master, and a couple of persons to inspect the weights and measures in the manor (which is now done away with by a late Act of Parliament), to make some regulations respecting passes; all which I can better do now as a magistrate, and as the agent of the property.

570–1. Is the town of Brookborough a large place?—No, a small village.

572. What is the population of the village, do you think?—I suppose there are 60 houses in it.

573. Mr. *Brady.*] Are there 1,000 inhabitants?—Hardly so many, I think.

574. Mr. *Vesey.*] Have either of the parties power to set aside jurors?—I have always allowed them to object to any of the jurors before they are sworn, f they could give any good ground.

575. Is that often acted upon?—Seldom or never; I suppose I never had more than five or six objections in 11 years.

576. Do you consider that the causes tried in the manor courts generally give

 satisfaction?—

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satisfaction?—I do believe that they do, from the very intelligent set of jurymen I have; they decide conscientiously and correctly.

577. *Chairman.*] You say you always take the jurors in rotation from the different parts of the manor?—Yes.

578. Have you a regular list of them under your own inspection of the order in which they are to be taken?—I do not keep a regular list, but I know the town lands, and a certain number are summoned round the estate.

579. Do you allow your bailiffs much discretion in summoning juries?—None.

580. Do you consider that allowing them such discretion would be beneficial or injurious?—I think very injurious.

581. In what respect?—He would not go to a distance; he would go to those who live nearest or most convenient to him.

582. Might he not also show partiality to some persons?—He might.

583. Mr. *Vesey.*] Do you conceive you have a power of summoning whoever you like?—I do; any householder in the manor.

584. Mr. *Brady.*] Can you enforce their attendance?—Yes.

585. Mr. *Vesey.*] In case a seneschal was to show partiality with regard to summoning juries, do you think the juror would have any power of objecting; do you think a person summoned more frequently than he ought to be, would have a power of objecting?—No; I think I have the power of summoning juries from any part of the manor I think fit.

586. You say you allow the parties to set aside jurors in different cases?—I do.

587. That is wholly at your discretion?—I think it is a discretionary power; I do not believe the Civil Bill Act, 25 Geo. 3, does allow the setting aside of jurors.

588. Are there many other manor courts in your neighbourhood in the county?—I believe there are a number in the county, I do not exactly know the number.

589. Are the seneschals of those manors generally persons of your rank in life, or below it?—I believe they are below it.

590. From what you generally know of them, are they in general well-qualified to administer justice?—They may be very well-qualified, as being shrewd sensible men; but they are not of that rank of life which would be looked upon as respectable.

591. They are not qualified by education?—I think not.

592. Mr. *Brady.*] Do you know Tempo?—Yes.

593. Is there a manor court there?—There was.

594. What description of seneschal was there?—He was a shopkeeper.

595. Mr. *Vesey.*] How is the seneschal paid generally?—He is paid from the fees in the court; and generally in the leases there is a fee payable to the seneschal for the time being.

596. Is the emolument of the seneschal a sufficient inducement to persons in a respectable class of life to fill the office?—Certainly not; I should not take the trouble of the situation, were it not for the fees paid by the tenants.

597. In your case the fees are in the leases?—They are bound to pay it by a covenant in the lease.

598. Are you a professional man?—No.

599. You have never studied law for the purpose of rendering yourself competent to hold these courts?—No; no more than sometimes being obliged to refer to an Act of Parliament as a magistrate.

600. Do you think that, in the manor courts generally, a magistrate is fully competent to act as seneschal; a person educated as a magistrate?—I think a lawyer would be more competent than any other person; a man who knows the law well.

601. What is your opinion of the practice of an attorney acting as seneschal?—I cannot say whether they would be proper persons or not; they might be hereafter interested in some cases. I do not think it would be a good plan to have practising attornies.

602. Are manor courts in your neighbourhood generally acceptable to the people?—I think persons among the better classes generally dislike the manor courts; but the people who come to my court seem to like it very well, and to come there rather than go to a distance to the session.

603. You stated that the seneschals in your neighbourhood are rather of a lower

lower class of life; did you state that one was a shopkeeper?—Yes; I stated that.

604. Mr. *Brady.*] And in a very poor town too?—He was a shopkeeper, not in that town, but in a neighbouring one.

605. Mr. *Vesey.*] The unpopularity which you refer to among the higher classes, is with reference to the manor courts in general, and not to the court of your manor?—No; to the courts in general.

606. Do you not attribute it in a great measure to the seneschals being of that inferior and improper class?—I do.

607. Mr. *French.*] From what do you draw your observation that manor courts are generally unpopular among the higher classes?—I have heard it from a number of people; there are one or two cases where they have been given up by the proprietors from want of having an efficient seneschal in them.

608. When you say they are unpopular with the higher classes, you mean that the lords of the manor do not, from want of proper persons to appoint, think proper to appoint them?—I do not think the lords of the manor wish to give up their manorial rights.

609. What do you mean then by saying the courts are unpopular among the higher classes; I do not mean why do you imagine they are unpopular, but why do you think they are unpopular?—I suspect they are impressed with the belief that there is a great deal of mal-practice connected with them.

610. Do those persons know the practice of the manor courts?—I cannot say.

611. Do you think it is merely an impression on their minds that there are mal-practices?—Yes; I cannot speak generally; I have only heard a few persons give that opinion.

612. Is not the decision of the manor court a decision of 12 men of the manor on their oaths?—Always; it is a verdict given by 12 jurors on their oaths.

613–14. Those jurors generally taking both law and equity into consideration, and deciding on the justice of the case?—They do; but more on the justice, I think, than the law of the case.

615. In the abstract is not that a very good principle?—Indeed, I believe, it is.

616. The manor courts are held frequently?—Yes.

617. Is it not expeditious justice?—Yes.

618. And not very dear?—No; it is about the same cost as the court of quarter session; but the distance to go to the court of session, with perhaps the risk of being detained three or four days, makes it more expensive.

619. Do you not think those juries, generally speaking, are able to judge of the character of the persons who come before them from living in their neighbourhood?—Indeed I do; they judge a great deal from that and the probability of the case.

620. Mr. *Vesey.*] In case the civil bill court was established within a short distance of Brookborough, do you think your court would be as popular among the people as you say it is now?—I cannot say as to that; the thing has not been tried. I think if there were civil bill courts through the country the people would have a shorter distance to go, and a summary mode of recovering debts would be equally as good, if not better, under a competent person, a barrister of standing experience at the bar.

621. *Chairman.*] The lord of the manor is not restricted in his choice of persons whom he may appoint seneschal?—No, I should think not; but it would be for his own credit to have the most respectable person he could get.

622. There is no qualification either as to intelligence or solvency, save that security which is to be given before the assistant-barrister, that the statute requires from a seneschal?—None.

623. Do you not consider that to be in itself an evil?—Indeed, I do; but I cannot see how it can be remedied without infringing on their manorial rights.

624. The fees of your court are not large?—No.

625. I mean the fees you receive as seneschal, as the emoluments of your court?—The costs I have received for decrees, and so on, are 101 *l.*

626. Within what time?—The ten years; and the fees from the tenants, 211 *l.*

627. Do the fees bear directly on the manor court, or do you receive them in your office as agent?—They are fees which they are bound in their covenant to pay to the seneschal for the time being.

 628. That

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628. That covenant is imposed on them at the option of the lord of the manor?—Certainly; it is for the purpose of creating a salary for the payment of the seneschal.

629. I speak of your emoluments in the way of costs; those are inconsiderable?—Certainly.

630. By no means such as to induce persons in your rank of life to undertake the office?—No, certainly not; nor would I accept of it except for those fees.

631. So that in manor courts, where a person of your rank is agent to a considerable estate, it is not easy to get persons sufficiently qualified to undertake the office?—I believe no person sufficiently qualified would be troubled with it for that emolument.

632. To that want of sufficient qualification you attribute that distaste for manor courts which you say exists on the part of the higher classes?—Yes.

633. Mr. *Vesey.*] I think you said you were obliged to give security to the amount of 500 *l.*?—Not so much; it is at the discretion of the assistant-barrister.

634. How much was the sum?—I believe it was 50 *l.*; or whether it was myself in 100 *l.* and two securities in that sum, I do not remember.

635. In case of the mal-administration of your duties as seneschal, would they have the power of sueing you for the amount of your securities?—Yes; I think I should be amenable to an action for any mal-practice I might commit.

636. *Chairman.*] In issuing out a summons, do you consider it necessary that the costs, or any portion of them, should be lodged?—No; I cannot demand any costs till the thing is tried, further than the summons and entry.

637. Do you consider yourself warranted in refusing the summons?—Yes, if I thought I had not jurisdiction, or if the whole cause of action did not arise within the manor.

638. Even supposing the parties both residents of the manor, if the transaction out of which the cause of action arises took place without the manor, do you consider yourself precluded in that case?—I do; the whole cause of action must arise within the manor.

639. Mr. *French.*] Are the number of cases increasing in the manor?—I cannot answer that question without referring to my book; I do not think they are increasing.

640. *Chairman.*] Are the jurors generally persons who can read and write?—Generally.

641. Mr. *French.*] I suppose you have an intelligent jury generally, having an intelligent tenantry?—Yes; persons who are liable to serve on the assize jury and at the quarter sessions.

642. *Chairman.*] Besides those you have pointed out, are there any other defects in the present law which strike you; and if so, what remedy would you wish to suggest for them?—I believe I mentioned before, that to prevent vexatious appeals was the principal thing, to oblige them to give security to prosecute the appeals, and to make an affidavit that it was not to gain time, and that there was just cause for the appeal; I think that is the only thing that strikes me at present.

643. Do you think that the imposition of a pecuniary qualification, requiring a pecuniary qualification from all persons to be hereafter appointed seneschals, would have a beneficial effect?—I do not see how the pecuniary qualification would make them better.

644. I mean such a one as would secure their being of a respectable class in life, and solvent?—It may increase their respectability in life; some of the seneschals who are shopkeepers may be richer than I am.

645. Mr. *Vesey.*] Do any attornies practise in your court?—I have seen them.

646. Sworn attornies?—Yes; there used to be a species of attorney who were not sworn; but none of that description I ever suffered to practice in my court.

647. Do you know if they practise as agents for the parties?—Yes, I mean sworn ones.

648. Do you know of any other neighbouring court?—Not of the practice of the court; I know a person who is at present seneschal of a manor, once kept a public-house.

649. He does not now keep a public-house?—No.

650. Has he any other means of livelihood now?—I suppose he has.

Martis, 2° die Maii, 1837.

MEMBERS PRESENT.

Mr. Brady.	Mr. Lucas.
Mr. Bridgeman.	Mr. Lynch.
Mr. M. J. O'Connell.	Mr. Villiers Stuart.
Mr. Hamilton.	Mr. Vesey.
Mr. Jephson.	

M. J. O'CONNELL, ESQ., IN THE CHAIR.

John Jagoe, Esq., called in; and Examined.

John Jagoe, Esq.
2 May 1837.

651. *Chairman.*] ARE you in any profession?—Not any.

652. Have you been acquainted with the practice of the manor courts in any parts of Ireland?—Yes.

653. In what capacity have you become acquainted with them?—Principally as an inquirer.

654. In what part of Ireland have you resided?—A good deal in Dublin; but generally in Bantry.

655. Are you a native of Bantry?—I am.

656. Have you travelled through many parts of Ireland in the course of the last year?—Yes, nearly through the whole of Ireland, while on the Fishery Commission.

657. How long has your attention been called to the subject of these courts?—For the last five or six years.

658. When was your attention first called to the subject?—I suppose about five or six years ago.

659. Since then, in what part of the country have you inquired into the subject of these courts?—I have inquired into the manor courts of Bantry, of Lemecon or Skull, in the county of Cork; of Charleville, the manor court of Dunkencaly, in the county of Donegal; and I was present at some proceedings in the manor court of Outerard, in the county of Galway.

660. You say you were present on one occasion; do you mean by that you only had that one opportunity of inquiring into it?—Yes; I was travelling from Ballynahinch to Outerard, and I stopped at the house where the court was held.

661. But with regard to the other courts you mentioned, have you had more ample opportunities of becoming acquainted with their proceedings?—Yes.

662. When did you become acquainted with that court in the county of Donegal?—Last year.

663. Were you staying long in the district for which that court was held?—Yes.

664. Did you attend its sittings?—No; for its sittings were suspended by Mr. Murray, the proprietor, in consequence of what he considered the misuse or abuses of that court.

665. Do you mean the lord of the manor?—Yes; Mr. Alexander Murray, of Broughton.

666. Of course the Bantry and Skull courts are in the part of the country in which you chiefly reside?—Yes.

667. How long have you been in the habit of attending to their proceedings?—Occasionally for five or six years.

668. Are they both under the same lord of the manor, or under different lords?—Under different lords.

669. Do you reside in either of the manors?—Yes, I reside generally in the manor of Bantry.

670. Are the seneschals of either of those courts professional persons?—No.

671. Of what class in life are they?—The middle class.

672. Shopkeepers

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672. Shopkeepers, or farmers, or what?—I do not think they follow any other business.

673. None other but that of seneschal?—No; one, the seneschal of Bantry, was in business, but I rather think he is not now. The seneschal of Lamecon never was in business, as far as I know.

674. Mr. *Villiers Stuart.*] What sort of business was it?—The seneschal of Bantry was a tanner, but he is not now in any business.

675. *Chairman.*] What is the extent of the jurisdiction of these courts?—Forty shillings in each.

676. Does the process of attachment against the goods issue in either of these courts?—No. Formerly there was in the Lamecon manor court an attachment against the person, and I believe it is not many years since it was given up.

677. Mr. *Villiers Stuart.*] That is, it has not been put into practice?—No.

678. But if there ever was a right, it must exist at the present moment?—Of course, if ever there is a right, it still exists; but it ceased to be practised when Mr. Hull ceased to be seneschal.

679. *Chairman.*] How often are these courts held?—Once a fortnight, or once in three weeks.

680. In what places are they held?—They are generally held in public-houses; I believe invariably.

681. Is there no regular or fixed place for holding them?—No; they are sometimes held in one public-house and sometimes in another. I have always understood the use of the public-house was given in consequence of the benefit to be derived from the attendance of the jury and suitors of the court, as customers to the house.

682. What class were the jury selected from?—Generally from a low class.

683. Are you aware whether summonses are regularly sent to them?—I have heard of summonses, but it was not unusual, on the morning of the court day, to have a man go about and collect jurors who were not summoned.

684. Were the courts kept in an orderly and decorous manner?—The courts are very crowded and noisy.

685. Were the jury separated from the rest of the court?—Yes, the jury were generally on one side of the table, and the seneschal sat at the other end, and the suitors and crowd pressed in upon the table.

686. Mr. *Vesey.*] Do you state that of any particular court in your neighbourhood, or of courts in general?—I state it of the Bantry court.

687. Do you know whether the same practice prevails in any other courts?—In all the other courts I have seen, it is the same.

688. Mr. *Villiers Stuart.*] Did the jury commonly retire to consider their verdict?—No; there was generally a debate between the jury as to what their verdict should be.

689. The bystanders taking part in the discussion?—I can hardly say taking a part, but they were at liberty to make any observations they pleased.

690. *Chairman.*] Making a few supplementary additions to the evidence, I suppose?—Yes.

691. Mr. *Villiers Stuart.*] Did they decide one cause before they went into another?—Yes.

692. *Chairman.*] Do you mean to say, that in no one case were the jury allowed to deliberate by themselves?—I never saw a case where they were.

693. But you cannot undertake to say there were not such cases?—No, I cannot undertake to say so; but the court occupied but one room; there was no second apartment that ever I heard of, that the jury could retire to.

694. Have you never heard of the court being cleared, and the jury being allowed to deliberate?—I have heard of it, but I never saw it.

695. Mr. *Villiers Stuart.*] Had you an opportunity of watching the proceedings of these courts for any length of time?—Yes.

696. For how long a period?—I have heard of the proceedings at the Bantry court for a great many years.

697. Mr. *Vesey.*] In the various other courts which you have visited, was the practice the same as to the jury not retiring and deliberating in public?—Yes, as far as I saw, the jury did not retire.

698. In all the courts that you have inquired into, did the jury decide upon each trial separately, or did they wait till the whole business was over?—As far

as I could observe, they decided each separately; I have heard of cases where they did not; where they waited till the end of the day.

699. Mr. *Villiers Stuart.*] Are you aware whether any payment is made to the jury by the parties?—Yes.

700. Do you speak of the practice at Bantry?—The practice is pretty general; there is a sum given by the successful party, either in money, or sometimes a certain quantity of whiskey is given.

701. By the successful party?—Yes, the party who gets the verdict.

702. Is that a regular sum, or do the parties agree to give a certain sum?—It is generally fixed by the jury.

703. Before they decide?—The jury say to the party, "We agree you are to get a verdict, and you are now to give 1 *s.* or 2 *s.* 6 *d.*, or a pint or a quart of whiskey."

704. In the court?—Yes; I have always understood it was the general practice at all the manor courts.

705. *Chairman.*] Is that stated by the jury as a condition precedent to their verdict?—It is at the time of giving the verdict; and the money given is termed the "Cob."

706. Mr. *Vesey*] Is that done in the presence of the seneschal?—Yes.

707. Have there been no complaints made of that practice prevailing?—Yes; it has been long talked of, and long complained of as a very bad practice.

708. What is the opinion of the people generally in the neighbourhood of Bantry, as to the manor courts there?—I should not exclude other manor courts, but taking Bantry and all, the general opinion is, from the way in which the business is conducted at those courts, that they ought not to continue.

709. Do the people consider that the verdicts in the manor courts are not generally impartially given?—Why, I should rather think, from the class of men the juries are composed of, one could hardly expect impartial verdicts.

710. Have you attended those courts frequently?—I have occasionally attended them.

711. As to the class of persons who have been the successful suitors, are they generally the richer or the poorer class?—I should hardly say there was much distinction, though from the jury, I should say the richer and more influential classes have a better chance of succeeding than the poorer.

712. Is it conceived that the poorer class suffer in their transactions with the richer class by means of these courts?—A certain poor class suffer a good deal; for instance, the poor who are in the habit of buying potatoes at a very high rate in the months of March and April (for so potatoes are generally bought), to be paid for in the following September, at the highest rate during the season, those dealings are generally with wealthy farmers, and the poor who deal with those farmers generally suffer, for their cases are mostly brought on in these manor courts.

713. Do you think that the wealthy farmers are generally successful in those courts?—They are. In the courts of quarter sessions, if such contracts have been made (I know it is so in the county of Donegal), the barrister will not give a decree where the sum is far beyond the value of the article; he considers it an usurious dealing: but in the manor courts there is no such protection.

714. Mr. *Villiers Stuart.*] Do you think the parties obtain a verdict in the manor courts which they could not obtain in the barrister's court?—Yes; Mr. Henn, the barrister for Donegal, will not decide in favour of a farmer who sells potatoes or meal at those very high rates.

715. Mr. *Vesey*] Have you ever heard of any verdict given by a jury which was flagrantly unjust, according to your opinion?—I cannot say I have.

716. *Chairman.*] You have mentioned cases which were decided in those courts which would not have been so decided in the barristers' courts; do you attribute that to the partiality of the jury, or to want of sufficient qualification on the part of the presiding officer?—I do not think the seneschals are qualified, neither do I think the men who compose the jury are of the class who ought to compose it.

717. Mr. *Vesey.*] Do you think the jury are biassed by the charge of the seneschal?—It is difficult to say what is the charge; the jury are all talking together; the seneschal appears to have very little authority.

718. Do you mean to say, the seneschal, after the evidence is given, does not generally sum up?—

719. Is it not the practice for the seneschal to sum up the evidence?—No;

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I never heard the seneschal sum up; he may make a few general remarks, but he never sums up the evidence.

720. Do you mean to say it is merely a discussion between the seneschal and the jury?—Yes.

721. Mr. *Villiers Stuart.*] Is there a barrister's court at Bantry?—Yes.

722. Mr. *Vesey.*] In case there was a proper person as seneschal, do you conceive the jury would act in the way you have described?—I think not; but with the kind of juries that are generally at those manor courts, it would be difficult for them to carry on the business.

723. In fact, you mean to say the seneschal has no authority over the jury to restrain them from doing anything improper?—I think not; they are generally a very drunken class of men.

724. *Chairman.*] Are the jurors in general householders or tenants within the manor?—I rather think they are not. They never summon any but those who are householders; but many householders refuse to attend, and then the seneschal is obliged to get a jury in the best way he can.

725. Mr. *Jephson.*] Is there a sessions-house at Bantry?—Yes.

726. Can you give any reason why the seneschal does not hold his court in the sessions-house?—No, I can give no reason; but I have very frequently heard it remarked that he ought to hold his courts in the sessions-house.

727. How many years have you resided at Bantry?—It is my native place.

728. Why is it that your attention has only been drawn to this manor court within the last five or six years?—My attention, before that, was not drawn to the affairs of Ireland so much as it has been within that period.

729. Has the court become more defective within that period since your attention has been drawn to it?—No, I should think less defective. The further back, as far as I can turn, the more defective it was.

730. You stated the jury did not retire, owing to there being but one room; did not they withdraw themselves in some degree, so as to be able to converse together, and to argue the case together, as juries frequently do in courts of quarter sessions?—Where I saw them generally sitting it would not be possible, for it was a very small room, and the jury sat on one side of a very narrow table, and close to them were the suitors and different persons who come to hear the cases. They may talk a little to each other in an under tone, but it must be in a very under tone not to be heard.

731. In the cases at which you have been actually present, have you found that the jury, while they were discussing their verdict, were also arguing the case, or listening to the bystanders attempting to control or to bias them?—There was generally a great deal of noise in the room, and it would be difficult for me to tell whether the jury were listening to the bystanders or not.

732. Did you hear any conversation between the jurymen and the bystanders when the verdict was being deliberated upon? can you say that generally it is the habit to have conversation going on between them?—Yes, it is the habit.

733. Across the table?—Yes.

734. While they are discussing their verdict?—I cannot say that they are in conversation while they are discussing their verdict; but I do say that the bystanders must hear what is passing between the jury.

735. Mr. *Vesey.*] Have you ever heard any one of the bystanders address the jury directly?—Never.

736. Mr. *Villiers Stuart.*] Did you ever hear the seneschal give directions to the crowd to retire, to give the jury an opportunity of deliberating?—No; I have heard the seneschal desire the crowd to keep off.

737. Mr. *Jephson.*] You have seen the seneschal attempt to keep them as separate as circumstances would allow?—Yes.

738. Have you frequently attended this court, and what was the cause of your attending it?—No, I have not very frequently attended it.

739. Can you state the number of times at which you have ever been present for any time to listen to what was going on in the Bantry manor court?—I suppose I have been four or five times.

740. Within the last five years?—Yes.

741. Have you been there as a suitor, or merely as a bystander, to see what was going on?—In one case, I was there as a defendant; in the others, merely as a bystander.

742. Are you a tenant of the manor?—Yes.

743. Have

743. Have you ever been summoned as a juryman?—Never.

744. During those four or five times that you were present, have you ever heard any decision given which appeared to you to be very grossly contrary to the justice of the case?—Yes.

745. Have you done so frequently?—No, not frequently.

746. Should you say that the majority of those cases which you have heard were fairly decided as between man and man, or that there was generally a corrupt motive for the decision, or was it merely from ignorance?—I cannot say; as far as my inquiries went, it was merely to ascertain the practice, and see how far the abuses might be corrected.

747. Mr. *Villiers Stuart.*] I presume, in your own case, you did not go to this court to seek for justice?—No, I was not a suitor; I was sued.

748. Mr. *Jephson.*] In the particular case you alluded to, in which you think the decision was an unjust one, should you say the verdict was given from ignorance or from corrupt motives?—I should say the verdict was given from igno rance of the law.

749. Was that case in which you think the verdict was given contrary to law, your own case?—Yes.

750. You were defeated, probably?—I was.

751. What class of men generally compose these juries?—Generally, the very lowest class.

752. What class of men are generally the suitors in the court?—Rather the poor class.

753. Then do you not think there is as much willingness on the part of that class of jurymen to decide the cases fairly as there may be among any other class of persons, as they themselves may in turn be subject to an incorrect mode of decision?—I cannot undertake to say.

754. As the juries are composed of the same class of persons as those who frequent the court as suitors, or nearly so, would it not be the interest of those jurymen to decide fairly, inasmuch as they, the tenants of the manor, would be subject to the jurisdiction which they would themselves be making corrupt by their own decision?—Yes, I think it ought; that should be the case with every jury, from the highest to the lowest.

755. Is not the principle of a jury simply this, that a certain number of individuals are supposed to be able to decide according to the justice of the case, from the circumstances and position in society in which they are themselves placed?—Yes.

756. From whence that principle holds equally good with the juries in manor courts and in other courts?—It ought; but you must draw a distinction between juries. If you have an intelligent and sober jury, the principle may hold good.

757. *Chairman.*] Have you known any case yourself in which you have been led to believe that any of the jury were intoxicated at the time of delivering their verdict?—No.

758. In your case, for instance?—No, they were not; they were sober.

759. You have stated already that a certain sum, or a certain quantity of drink, is given to the jury; have you heard that question put by the jury in all or any of the cases at which you have been present?—Yes, before the verdict was given.

760. Have you ever heard or known of drink being given before the jury had finished its proceedings for the day?—I have heard of it, but I cannot, of my own knowledge, say so.

761. Mr. *Jephson.*] How do the jury fix the individual who is to pay this drink money or "cob," unless they at the same time state that he has succeeded in his suit?—They tell him, "We give a verdict for you, and you must pay so much money, or give so much whiskey."

762. Then the verdict does not depend upon the drink that is given; but the drink is required on account of the verdict having been given?—I think certainly, if the suitor wished, he might resist it.

763. And the verdict would be given notwithstanding?—Yes; but it is the general practice.

764. Mr. *Lucas.*] Is the drink-money given indifferently, whichever person succeeds; is that the practice?—The successful party gives the drink.

765. The successful party, whoever he may be?—Yes.

766. Have you ever known of your own knowledge any person not a householder, serving upon those juries?—Yes.

 767. Have

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767. Have you ever known a person not a tenant of the manor serve upon the jury?—Yes; if he is not a householder, he cannot be a tenant of the manor.

768. He may be a landholder?—Yes. I know there is a difficulty in getting jurymen. The respectable classes do not wish to attend, and the seneschal is driven to get whatever men he can to serve.

799. That being the case, have you ever known any person serving upon such a jury who was not a tenant of the manor?—Yes.

770. Have you ever known any person serving upon such jury who was not a householder?—Yes.

771. *Chairman.*] In the particular cases you mentioned, were those summoned to serve on the jury, or were they taken from the bystanders for the want of a proper jury?—I rather think they were taken from the bystanders.

772. Mr. *Vesey.*] Is it the custom in the courts that you are cognizant of to set aside jurymen?—No; I never heard it was.

773. Have you ever heard any of the parties object to the jurymen?—No.

774. Do you conceive that is because they are generally satisfied with the persons who act as jurymen, or that they conceive they have not the power of doing so?—I should rather think they conceive they had not the power.

775. In your own case, where you said the verdict was given against you, were you dissatisfied with the jury previous to the case being tried?—No.

776. In fact, if you thought you had power to challenge them, you would not have done so?—I would not.

777. Have there been many cases of appeal?—I heard of different cases of appeal.

778. From those courts you mentioned in Bantry?—In that case of mine there was an appeal.

779. How was that decided?—It was never decided.

780. Did it ever come before the court of appeal?—Never; the appeal from the manor court is always to the court of assize.

781. For what reason was it never decided?—The parties never went forward.

782. For what reason was that?—I cannot tell you.

783. Was it not your own case?—Yes, I appealed; and the point I complained of was a large sum I was obliged to pay for the appeal; I think it was 3 *s.* 6 *d.*

784. You never prosecuted the appeal?—I would have prosecuted it, had the other parties appeared.

785. *Chairman.*] Then the decree was reversed?—Yes; it would have been reversed for want of an appearance had I proceeded.

786. Then your appeal would have been successful, since judgment would go by default?—Yes.

787. Mr. *Vesey.*] Generally, in cases of appeal, how have the verdicts gone?—I cannot tell you.

788. Have you never heard in any case whatever?—No.

789. As you conceive there have been so many cases where verdicts have been improperly given, have you never inquired as to how the appeals were decided in these courts you are so intimately acquainted with?—No.

790. *Chairman.*] You paid 3 *s.* 6 *d.* to appeal; to whom was that sum paid?—To the seneschal.

791. In what right, are you aware?—He claimed it as costs for lodging the appeal, I believe, by the Manor Court Act: all he had a right to was 1 *s.*

792. Did you take any legal proceedings against the seneschal for the overcharge?—No.

793. Bantry is a considerable distance from the assize town; from the city of Cork?—Yes; it is about 40 Irish miles.

794. What rank in life were the parties of against whom you appealed in that case?—Respectable.

795. So that they were not prevented by poverty from taking down the appeal?—No.

796. But to a poor person, do you think an appeal at such a distance would be a hardship?—Yes, extremely vexatious; the expense of appealing, to a poor person going that distance, would be very great.

797. If the manor court had decided in favour of a poor party against a wealthier person, and that wealthier person were inclined vexatiously to appeal to the

the assize town, at such a distance, do you think the effect would be to deter a poorer party from going on with their case?—I think it may do so.

798. What are the costs of a suit in the manor courts? what were the costs in your own case, for instance?—I cannot tell in my case, because the costs were not given against me; but from what I have heard, I think the costs are about 7 *s.* 6 *d.* upon the decree.

799. Mr. *Jephson.*] How was it the costs were not given against you?—The costs are not paid where there is an appeal.

800. *Chairman.*] Three shillings and sixpence was charged?—It was a payment for the appeal; and besides that, I was obliged to give security.

801. Mr. *Lucas.*] Did the 3 *s.* 6 *d.* cover all the costs you were put to in that case?—All.

802. Then it was not simply the costs of appeal, but the costs of all the proceedings taken against you in that court?—The proceedings taken against me were paid by the plaintiff. I was the defendant, and as defendant, the decision being against me, I lodged an appeal.

803. Mr. *Jephson.*] What was the amount in difference between you and the party?—A very small sum.

804. How much?—I do not exactly recollect, but I think 1 *l.* 3 *s.* or 1 *l.* 5 *s.*; it was more a matter of dispute than a matter of amount.

805. Was it a matter of account?—No.

806. Did it involve any difficult question of law?—I was not the proper party to be sued.

807. Mr. *Villiers Stuart.*] Is there any schedule of fees hung up in the court, by which the public may be acquainted with what they have to pay?—I never saw any.

808. Then it is left to the seneschal to determine?—Yes; as far as I can tell. The same amount of fees paid in all the courts are not alike. I believe the legal amount is 5 *s.* 11½ *d.*

809. You are speaking of the Bantry court?—Yes; it varies at different courts.

810. To whom is the execution of the decree entrusted?—To the bailiff of the court.

811. Now, have you heard any complaint of the improper exercise of his power in the execution of decrees?—No, I have not.

812. In what manner does he levy the decree?—By seizure and sale of goods; indeed I very seldom heard of a sale; I do not recollect to have heard of a sale.

813. It is generally compromised, I suppose?—Yes, generally.

814. Is the bailiff generally a man of respectable character?—The man at Bantry is a man of good character.

815. Has he any other business?—I do not think he has.

816. Now, in those two courts in the county of Cork, are the emoluments in general sufficient to give a respectable subsistence to the seneschal?—The emoluments may be from 50 *l.* to 80 *l.* a year.

817. On those days you attended, what was the usual number of cases tried?—I cannot tell you; but they were hard at work all day.

818. From 10 o'clock in the morning?—No, from 11 or 12, when they generally met, until five or six.

819. Mr. *Jephson.*] Did they examine witnesses?—Yes.

820. And did they appear to conduct their proceedings in an orderly manner, and to be anxious to elicit the facts of the case?—I think they did; but it was impossible to have anything like a patient hearing, from the noise.

821. Mr. *Vesey.*] What number of cases, should you say, are generally tried on an average?—I cannot say.

822. Supposing that the courts were better arranged, would it not be a convenience to the town of Bantry to have a court, in which they had confidence, sitting within the town, and frequently; say from three weeks to three weeks?—I do not think there is any necessity at present, as the sessions courts are frequently held.

823. How frequently are they held?—Once a year in Bantry; but Skibereen is near, and Bandon is not very far distant.

824. Suppose a cause of action arises for some few shillings between poor persons immediately after the Bantry sessions, what will be the course of proceeding

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for the plaintiff to recover his debt?—There is none, unless he goes into the manor court.

825. But supposing there were no manor court, he must wait till the next sessions?—Yes.

826. How long?—I think it is every two or three months, taking the round of Skibereen, Bandon, Macroom and Clonakilty.

827. He must wait for the next sessions?—Yes.

828. How far would he then have to travel to the sessions?—It is about 12 Irish miles to Skibereen.

829. Is that the next sessions after Bantry?—Yes; it is the next sessions town to Bantry.

830. What is that in English miles?—Fifteen or sixteen English miles.

831. Then he would have to wait for three months, and to travel 15 or 16 miles to the sessions court?—Yes.

832. When he arrives at the sessions court, would he be quite sure to have his case tried at once?—No; I think that is the great objection.

833. How long would he have to wait before he could get his case tried?—It depends upon the time the court may be occupied in registering freeholders; I believe that business takes precedence of all others.

834. It may happen that he may have to wait for two days, or even more, with his witnesses, at the sessions town, in order to prove a small debt, which may not be equal to the expenses he will be put to?—He may.

835. And yet you consider it no advantage to that individual to have a court at home sitting frequently?—I consider, if a very poor man happens to be sued by a wealthier man, or if it is a very poor man who sues the wealthier man, in either case, I think, he has no great advantage: I think he had better wait for the superior court, than sue in a court which is subject to an appeal, which may make him go 40 miles to the appeal court.

836. As a matter of fact, do you think the wealthy classes do go into these manor courts?—No; they would rather wait for the sessions.

837. Is it not, in point of fact, a court for the poorer classes?—It is; but still a litigious poor man, possessed of a few shillings, may lodge an appeal, and that may prevent the other party from ever recovering the amount.

838. Mr. *Lucas.*] Is it not a court principally used by those who are in a hurry for their money?—Of course there is a great facility for recovering a small amount, the court being so much more frequently held.

839. Mr. *Jephson.*] Does not the same objection, as to the possibility of the wealthier party appealing, equally hold good of the decision of the magistrates?—Yes, but in that case the appeal is to the quarter sessions.

840. Then your objection is to appeals generally?—My objection is to appeals generally, where the court of appeal is held very far distant.

841. That is a general objection you have to the wealthy having that power of appeal?—Yes, where the tribunal appealed to is remote and expensive.

842. Your objection then is not confined to the manor courts?—No.

843. Mr. *Lucas.*] Does not the same objection apply to the decision of wages cases by justices at petty sessions?—Yes.

844. But there is the power of appeal?—That appeal is to the quarter sessions, not to the assizes.

845. Mr. *Jephson.*] May there not be a second appeal from the quarter sessions to the assizes?—No.

846. There is from the assistant barrister's decision?—Yes, from his own decisions.

847. Mr. *Villiers Stuart.*] Do you believe that the people of the manor consider these courts a benefit to them or not, as they are now conducted?—I cannot answer that: I individually do not consider them a benefit; I do not consider the manor courts in Ireland at all a benefit, as held at present.

848. As far as you know?—Yes.

849. *Chairman.*] Is Bantry an extensive district?—Yes.

850. Are there any parts of the neighbourhood of the town which are not included in the manor?—I believe there are.

851. Are there any parts of the country, the inhabitants of which frequent the town of Bantry, which are not within the jurisdiction of the court?—Yes; the tenants of Lord Kenmare and of other property, are not within the jurisdiction of the manor, and are quite close to the town: the tenants of Lord Kenmare held a manor court on his property.

852. Do they hold it now?—They do not.

853. Do you find the absence of a manor court on Lord Kenmare's property in any way deteriorate the condition of his tenants, or that it is in any way considered a grievance?—I never heard that it was.

854. I believe his Lordship's tenants are as comfortably off generally, as those of any other proprietor in the manor?—Yes, quite so, if not more comfortable.

855. Mr. *Villiers Stuart.*] Are you in the habit of attending the assistant barrister's court?—Very seldom.

856. *Chairman.*] With regard to the court at Charleville, what opportunities have you had of becoming acquainted with the proceedings of that court?—The only opportunity I had was hearing of a case that Mr. Hutchings had in that court.

857. Were you present at the trial?—No; but I was at his house when he received the bill of costs, and heard a great deal of discussion about it. It was with respect to a horse that his man had sold for 10 *l.*; and the man applied to Mr. Batewell, the seneschal, for a summary attachment against the goods of the person the horse was sold to; and after the goods were attached, the landlord distrained for rent, and then the debtor removed the remainder of his goods, whatever they were, after he had settled the rent account, out of the boundary of the manor. The reason I mention that is, to show that there is that objection to it; for after he passed the boundary of the manor there was no power of enforcing the decree; and Mr. Hutchings was furnished with a bill of costs, I believe, for 11 *l.* or 12 *l.*

858. For the costs of the process by attachment?—Yes; I shall be able to give the Committee a copy of the bill of costs, if they wish it, for I wrote to Mr. Hutchings for it. That is a great objection to all manor courts, for there is no power of enforcing a decree if the party goes over the boundary of the manor.

859. Are you aware whether the boundary of the manor of Charleville is very rigidly observed?—I cannot tell you.

860. The attachment was for the price of the horse?—It was.

861. And when the man removed his goods beyond the boundary of the manor, was any attempt made to bring him within the jurisdiction afterwards?—No; no attempt was made.

862. Have you ever heard of any such attempt being made?—No; I only heard of that one case.

863. You stated you attended the proceedings of the manor courts at Galway?—Yes.

864. On one occasion only?—On one occasion only.

865. Was there any peculiarity there?—The only peculiarity was this: the cause of action the day I was at the manor court, was for a stack of turf, which was sold to a poor woman for 3 *s.* 6 *d.*, and I observed that the seneschal and the whole of the jurors spoke Irish.

866. Nothing but Irish?—Nothing but Irish.

867. Were there any attornies practising in the court?—No, not any.

868. Do you understand the Irish language well?—Not very well; I understand a little of it.

869. Mr. *Jephson.*] The witnesses for the plaintiff as well as for the defendant spoke Irish too?—Yes.

870. Then you did not think that was an objection?—No; I have always thought witnesses should be examined in the language in which they think; and for that reason they should be examined in Irish; but it struck me as a peculiarity.

871. Mr. *Vesey.*] You do not mean to say that the seneschal could not speak English?—No.

872. *Chairman.*] Did you hear the whole case tried in that court?—Yes.

873. Was there anything particular in the mode of proceeding?—No; except that the poor woman was decreed, and I believe the costs of the decree were 7 *s.* 6 *d.*

874. There was nothing particularly objectionable?—No.

875. In what place is that court held?—It is held between Outerard and Ballynahinch.

876. In what sort of a house?—A public-house; a kind of stopping place.

877. Is it a half-way house?—Yes.

 878. Mr.

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878. Mr. *Bridgeman.*] Do you think there were any of the jury who could not speak English?—I cannot say.

879. *Chairman.*] You stated you had an acquaintance with the courts in the county of Donegal?—Yes; that is the court which Mr. Murray lately refused to appoint a seneschal to; and the only complaint I heard there in consequence of his refusal was, that they thought it a great hardship, as many people were going to America, that there was no summary attachment to be got against their goods, which there was before, and now they might take them away. That was the only complaint I heard, that there was the want of a summary attachment.

880. You never attended any of the proceedings of that court?—Never.

881. And you state that was merely the common feeling of the country?—Yes. I was stopping at Mr. Murray's, and Mr. Walsh, a clergyman, called, and stated that as a reason why the court should be re-established; but Mr. Murray would not appoint a seneschal.

882. Mr. *Vesey.*] Did Mr. Murray state his reasons for not appointing a seneschal?—The difficulty of getting a proper person to act as seneschal.

883. Did he state any other objection?—He did not.

884. *Chairman.*] In general is that complaint which Mr. Murray made, with regard to not finding a proper person to act as seneschal, a general complaint in the country; is there not a difficulty in finding such proper persons?—Of course, if the emoluments were greater, proper persons could be found; and I do not see the reason why, if manor courts are to be continued at all, they might not be made part of the petty sessions business.

885. The emoluments of the court are, as you consider, not sufficient to induce respectable persons to take the office?—I think not. There may be some courts at which the emoluments are large, but generally speaking, they are not sufficient to induce a respectable person to take it.

886. The emoluments consist entirely of the fees of the seneschal?—Yes.

887. With the class of persons who, unfortunately, are generally appointed to the office, do you not consider that a payment by fees solely is objectionable, as tending to give them a bias towards the encouragement of litigation?—I think it would be much better to abolish fees; and if fees are collected, the fees should form a fund for the purpose of paying whatever officer may be appointed; and if the costs are reduced to something of a graduated scale,—for instance, suppose a graduated scale in proportion to the debt,—I am certain that in those courts there would a great deal of business, and by that means a more respectable person could be amply paid.

888. Would not the giving of a fixed salary, in addition to the fees, tend to improve the respectability of the courts?—Yes, if you could get a man of some legal knowledge to sit with the magistrates at petty sessions, and give him a civil and criminal jurisdiction, I think the whole business of the district could be very easily managed. I think that would be a great improvement upon the manor courts.

889. Mr. *Vesey.*] You say, if you could get a person of legal knowledge to sit with the magistrates; do you mean to say you would select an attorney or a barrister for that purpose?—I should prefer a barrister.

890. In what way would you propose, in that case, to pay the barrister for so sitting?—I think the fees of the sessions court, or the court at which he presided, would be quite sufficient to pay the barrister a very fair salary.

891. Do you think the fees of the court would be a sufficient emolument to make it worth the while of a barrister to attend the petty sessions court?—I think the fees would be very large; because, if the public were sure of such a jurisdiction, or such a court, where a barrister presided, a great deal more business would be done at that court.

892. At what stated terms would you propose those petty sessions courts to sit?—Suppose, once a month.

893. Mr. *Villiers Stuart.*] Do you mean to give the assistance of a barrister to the magistrates, so that there shall be both?—Yes.

894. Mr. *Vesey.*] You stated those courts should not sit more than once a month?—I think once a month would be sufficient.

895. At what time are the petty sessions courts in your neighbourhood now held?—I believe, every fortnight.

896. And do you think it will be more beneficial to the people that those courts should

should be less frequently held?—I do; I think once a month would be quite sufficient for even the petty sessions, in Ireland.

897. In cases of wages, do you think it would be just for a party to wait a month before he could receive his wages?—I think a month a very short time, when a certainty would be of having a court held.

898. But even supposing those courts were only held once a month, do you think you would find a sufficient number of barristers to sit at all those different courts in Ireland?—There would be one advantage; if you had a court sitting once a month, and a barrister to attend it, there would be a certainty that the court would be held; at present, the petty sessions courts are not regularly held. It frequently happens, perhaps from the illness of the magistrates, or from other causes which may occur, that they cannot be held for three weeks or a month.

899. Cannot these courts be held in the absence of a magistrate?—No.

900. If a barrister were to sit, would you propose that the court should be held in the absence of a magistrate?—Yes; I should give the barrister the same power at the petty sessions now that he has at the court of quarter sessions, and I would also give the suitor liberty, if he pleased, to call upon the barrister to have his case decided by a jury.

901. So that, in fact, you would propose the petty sessions should be a kind of quarter sessions court?—A kind of mixed civil and criminal court.

902. In fact, it would be, to a certain degree, superseding the magistrates?—No, it would be superseding the manor courts.

903. And in the case of non-attendance of the magistrates, superseding the magistrates also?—I take it, the barrister would be a magistrate; he should have both a civil and a criminal jurisdiction.

904. Do you propose that such barristers should be appointed magistrates of the counties in which those petty sessions are held?—Yes.

905. *Chairman.*] Do you propose the amount of jurisdiction should be the same as that possessed by the civil bill courts at quarter sessions now?—No, I would not extend it so far.

906. To what amount would you extend it?—£. 5 would be a very large sum.

907. Mr. *Lucas.*] Then do I understand your proposal is of this nature, that you think it would be desirable that a court sitting regularly once a month, should exist, for the hearing of trifling pecuniary causes, with an unexceptionable jury?—Yes, but I wish to qualify that: I would only recommend it in towns where the population is of a certain amount, for of course they could not take those courts over the whole of the country. Suppose a population of 2,000, for instance; if you take all the towns with a population of 2,000 in Ireland, you will find that will sufficiently include the rural districts.

908. Mr. *Vesey.*] But where manor courts are held in the rural districts, would you propose to abolish them?—I scarcely know a rural district in Ireland very distant from a population of 2,000.

909. I think you stated you would only propose that courts at which a barrister should preside, should be held in towns?—In towns.

910. Then you do not propose they should be held in the rural districts?—I scarcely know a rural district in which it would be necessary.

911. But suppose the case of a manor court in a rural district, and that manor court were abolished, do you propose there should be a petty sesisons in that district, with a barrister presiding?—No; I would abolish the manor courts in the rural districts. I scarcely know a rural district in Ireland so remote from a population of 2,000, as to make it inconvenient for the inhabitants to attend.

912. Then you would annex the rural districts to the towns?—Yes.

913. In the case of the manor court you spoke of in the county of Galway, was that within reach of any court?—No; but the town of Clifton is at no great distance.

914. Then in that case what would you do? would you continue the manor court there?—No; I would rather abolish it.

915. Then would you propose to establish a petty sessions there, in the mode you have described, with a barrister presiding?—I think it is unnecessary; there may be a few such districts, but I think the cases are very few, where the same inconvenience would arise as in that one of Outerard.

916. Have you inquired generally, as to the number of manor courts held in the rural districts of Ireland?—No, I have not; but I know Ireland pretty well, and

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I scarcely know a single district which may not be annexed to some town, with a population of 2,000.

917. I think you stated you had gone through Ireland for the purpose of examining the fisheries?—Yes.

918. Have you not gone into the central part of Ireland?—I have.

919. In the course of your tour through that part of Ireland, have you inquired at all what number of manor courts are held there?—No; I have not.

920. So that you cannot state what the number of manor courts are generally in the rural districts?—No, I cannot.

921. But supposing there were a large number of manor courts in the rural districts of Ireland, would you propose that they should be generally abolished, and that petty sessions courts should be established?—Yes; I would rather abolish the manor courts, though there may be an inconvenience, for the sake of establishing a better court in the towns with a general jurisdiction.

922. Then supposing there was no town in the vicinity where those manor courts were held?—I would abolish them.

923. And do you not think that in that case it would be an inconvenience to the people?—It might be an inconvenience, but a very small one compared to the advantage of having well regulated courts in the country.

924. Did I not understand you to say, that even supposing you were to abolish the manor courts, you would not establish a petty sessions such as you have described in the rural districts?—I would not give the jurisdiction of the manor courts to the petty sessions court in the rural districts, because, I think, in that case, it would be too expensive and inconvenient to have a barrister to attend those districts; but if a barrister could be paid, or any person could be paid to attend the petty sessions court in those districts, it would be a great improvement.

925. And suppose it was not possible to get a barrister to attend the petty sessions court in those districts, would you abolish the manor court?—I should be for abolishing the manor court in those districts.

926. Do you mean to say you would subject the people in those districts to the inconvenience of not having a court?—I think the number of courts established in Ireland would be quite sufficient.

927. Do you state that from your own experience of Ireland generally?—I have travelled in almost every part of Ireland, and I know it pretty well; of course, not having a map before me, I cannot state the distances from the different towns with that population; but my impression is that you would have a sufficient number of courts to include the rural districts.

928. But I understand you to say that you do not know the locality of the different manor courts in Ireland?—I am not talking of the manor courts, but of the towns. Supposing a court were to be held in a town, with a population of 2,000 or 1,500, you might encircle that town with a district, and make that the centre; and if you create a good court there, I think it would be quite sufficient.

929. Do you think the towns throughout Ireland are so near each other as to be able to include the whole of the rural districts within the jurisdiction of those courts?—I think they are.

930. Mr. *Lucas.*] Do I understand your suggestion is that Ireland should be furnished entirely with courts of small jurisdiction, so as generally to serve the purposes of the country?—Yes.

931. That is your suggestion?—Yes.

932. Then, if you confine those small jurisdictions to places where there are towns, will not those jurisdictions be extremely variable?—Yes; in some cases they will be variable.

933. Within your knowledge of Ireland, which you state is extensive, will not many districts which do not happen to have towns near them, be left in such a state that the inhabitants would be deprived of that sort of jurisdiction which you you think would be so advantageous to them?—I think there would be very few such districts.

934. Then your suggestion is, in few words, that Ireland should be generally furnished with courts of small jurisdiction?—Yes; I think that well regulated courts of small jurisdiction would be a benefit to the country.

935. And your suggestion is that those courts should be presided over by a barrister?—Yes, I think so.

936. Can

936. Can you give the Committee any idea what you think would be a sufficient remunerating salary to such a barrister?—That is rather a difficult question for me to answer. Perhaps 500 *l.* a year.

937. *Chairman.*] Do you consider that the establishment of courts of that nature, which should extend generally through Ireland, would be useful to the people?—I think they would be highly useful to the people, having a mixed civil and criminal jurisdiction, and being presided over by a barrister.

938. Mr. *Hamilton.*] Then, in point of fact, it would be extending the principle of the present quarter sessions courts?—Yes.

939. Mr. *Vesey.*] In the case of Connemara, for instance, which you say you visited, are the towns in that district sufficiently populated to have those courts?—Clifton is the only town of any extent; but you will consider that the population of the whole of that district is very trifling.

940. Then, in point of fact, the population of that district of Connemara would be left without the benefit of those courts?—I am not certain, but I rather think the manor courts at present are not held so close to each other in Connemara as you may perhaps imagine; for the man who was seneschal of the court of Outerard lived at Claggan, which I suppose is 30 or 40 miles from it.

941. *Chairman.*] But in your plan, of course, you include all parts of the country, as well those where no manor courts exist now, as those where they have existed heretofore?—I include all.

942. Mr. *Hamilton.*] Do you happen to know how many towns with a population of 2,000 and upwards there are in Ireland?—It does not occur to me at this moment.

943. Do you know whether Ireland, as to its towns, is peculiarly circumstanced, and it would seem rather unfavourably for your plan, inasmuch as the towns are almost all near the coast?—I think, from Galway to Westport, along the coast of Galway, which is over 150 miles, there is only the town of Clifton; that is the only town along that coast.

944. But is it your opinion, taking Ireland altogether, the towns for the most part are along the coast, there being very few, in proportion, in the interior?—On the east side they are along the coast; but taking the coast of Donegal, there is no town from Killibegs to Letterkenny but Dunfanahy.

945. But are there many towns, comparatively, in that district?—No, not many; but there are quite sufficient for the wants of the population of that country, as far as law courts are concerned.

946. Mr. *Vesey.*] Do you think the emoluments of those courts you propose would be quite sufficient to tempt a young barrister to devote his time to presiding over them?—I think the emoluments of those courts would be very large by having a graduated scale of fees; at present, upon a debt of 6 *s.* the charge is the same as upon 40 *s.*

947. Are you not aware that a barrister presiding in one of those courts at a distance from Dublin, must give all his practice, and devote his whole time to the business of that court?—I think the effect of the late sessions court bill will be to withdraw barristers more from Dublin than heretofore.

948. Do you not think it would have the effect of turning them away from all prospects they might have of any business in their profession?—I think it might be a kind of damper upon a rising man; but there may be barristers enough got satisfied to sit down upon that, and take the chance of the business of the surrounding country.

949. You think the emoluments would be sufficient to induce a barrister to give up all practice, to preside in those courts?—Yes; I think young men may be got to preside in those courts.

950. *Chairman.*] Does your plan contemplate that the barrister should preside in only one of those courts, or take a circuit of several?—I propose he should take a circuit.

951. And they should be held only once a month each?—Yes.

952. So that the barrister might easily attend more than one court?—Yes; he might attend two or three courts.

953. Might he not preside over more than two or three?—Yes; he might preside over seven or eight, according to the distance and the quantity of business.

954. You probably have not considered that part of the subject?—No, I have not; but I have long thought that courts of that kind would be a great benefit to

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the country, in case the manor courts are abolished, which I think ought to be abolished.

955. Mr. *Hamilton.*] Are you aware whether the manor courts, to which you have directed your attention, have any jurisdiction in disputes between fishermen, as to the wages or anything else?—No, I am not aware.

956. Can you state whether, in any instance which has come within your observation, the process of attachment has been exercised in a manner injurious to fishermen, in seizing their boats or goods?—No; but I think, in all cases, the process of attachment is injurious; that is, summary attachment, or attachment, if you can so call it, on mesne process.

957. Were you at Skerries in the course of your Fishery Inquiry?—I was.

958. Did you happen to make any inquiries as to the manor court of Holme Paget?—No.

John Edward Taylor, Esq. called in; and further Examined.

J. E. Taylor, Esq.

959. *Chairman.*] IN question 536 of your evidence, you are made to say, at the assizes, when the jury is trying several issues, they are all given in at the same time; do you wish to explain your answer to that question?—I do. I misunderstood the question, and my answer should have been, that one jury tried several issues, and sometimes returned their verdicts without leaving the box.

960. Do you mean that, at the assizes, the jury decided upon each issue separately?—Certainly.

961. In answer to question 564, you state, you think the costs of lodging an appeal should be increased; have you any further suggestion to offer as to the amount to which they should be increased?—Yes; to 2 *s.* 6 *d.* at least.

962. To prevent too great a facility of appealing?—To prevent appeals being made without just grounds.

963. In answer to question 595, you state there is a fee reserved in the leases, payable to the seneschal for the time being; does that refer to manor courts in general, or to manorial jurisdiction?—I meant to refer only to my own court.

Veneris, 5° die Maii, 1837.

MEMBERS PRESENT.

Mr. Bridgman.	Mr. Lucas.
Mr. M. J. O'Connell.	Mr. Villiers Stuart.
Mr. Hamilton.	Mr. Emerson Tennent.
Mr. Jephson.	Mr. Vesey.

M. J. O'CONNELL, ESQ, IN THE CHAIR.

Charles Staunton Cahill, Esq., called in; and Examined.

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964. *Chairman.*] HAVE you resided for any time in the county of Clare?—I have, for several years.

965. You have been for some time a magistrate of that county?—Yes.

966. Was there any manor court held in your neighbourbood in that county?—There was, at Corrafin.

967. Have you had any experience of the practice of that court?—I occasionally attended to see the manner in which things went on there.

968. Out of curiosity?—Principally out of the great number of complaints among the country people of the practice of the court.

969. Had you any other way of becoming acquainted with its practice?—Merely by attending and looking on. I may state, that at the petty sessions at Corrafin, the next petty sessions after the court day, we used always to look upon it as certain that we should have an increase of riots and assaults complained of.

970. More than on other occasions?—Yes. I have been in Corrafin on the evenings of court days, and there were crowds of people, who were generally quarrelsome; plaintiffs and defendants and their friends.

971. Those

971. Those quarrels did not take place from anything that happened in the court, but in consequence of the attendance of a crowd of people?—A crowd of people, being hostile parties.

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972. Did quarrels arise out of transactions at the court coming before you as a magistrate at petty sessions?—The quarrels which took place arose from hostility between parties, plaintiffs and defendants, before the manor court. We just remarked a general increase of such things on the court days.

973. Did quarrels, arising from the transactions in the court, to your knowledge, come before you as a magistrate at petty sessions?—They did.

974. Did those quarrels occur in the manor court or after the breaking up?—I think after the breaking up, as well as my recollection goes. A good deal of quarrelling used to arise out of the execution of the processes of the court also.

975. From supposed hardships in the execution of the decree?—Yes, and other causes.

976. And assaults took place in consequence of the execution?—Yes.

977. Mr. *Jephson.*] Was this court of petty sessions at Corrafin well attended?—Yes; I am speaking with reference to the year 1830.

978. Great crowds attended?—Yes, there was a good deal to do.

979. Used the same description of quarrels to take place after your court there?—No, I think not; the police were in attendance, and there was regularity kept in the court, and we had a distinct court-house. The manor court is held in a public-house where there is a great inducement to quarrelling. Ours is a regular room for the purpose in a private house.

980. I believe the Petty Sessions' Act provides that the petty sessions court shall not be held in a public-house?—It does.

981. Then I understand you attribute the quarrels taking place after the seneschal's court to the fact of there being no police in attendance as at the petty sessions court, and also to the fact of the seneschal's court being held in a public-house?—Yes, and the parties drinking during the day. I attribute it to all those causes, and especially the last.

982. *Chairman.*] Is Corrafin a market town or a village?—It would be called a village here. It has a market-house, a church and a chapel, and a good many slated houses.

983. Does it contain 1,000 inhabitants?—I should think it does; a good deal more. I should call it a fourth-rate country town.

984. Is it a post town?—Yes.

985. And the suitors, are they in general country people?—They are generally country people.

986. Is the court held in Corrafin as a central place, as the most convenient place for the district?—I should think it must be, as the principal town in the barony.

987. The manor extends over the whole barony of Inchiquin?—Yes.

988. Have you known cases decided in that court which, in your opinion, would not be entertained in a court of law?—I have.

989. Can you specify any of those cases?—There was one man of the name of Patrick Keefe in the neighbourhood, he was in the habit of giving out potatoes and money at most exhorbitant interest,—small sums to the peasantry; and he was always sure to go to the seneschal's court and get decrees. I am quite sure the county barrister, seeing the usuriousness of the transactions, would not give him decrees. He was once before the magistrates for detaining a poor man's bed for a loan of 16 *s.*, all of which had been paid except 4 *s.*; he had the man's bed, and made him work a day every month, and pay him 4 *s.* a year discount. We calculated it, and it came to 200 *l.* per cent. It was the greatest piece of hardship I ever saw. His transactions were all of that description, and I have known him have 40 or 50 summonses in the seneschal's court, and get decrees upon all.

990. Is there a bias in favour of the plaintiff in that court?—There is, from the manner in which the fees go.

991. The only payment is the fee upon the decree?—Yes; there is first 3 *s.* 6 *d.* for the process, which brings the matter before the court; there is then 3 *s.* 6 *d.* for the defence. Those are the fees I saw paid, and those are the charges they admitted to me. I believe 3 *s.* 6 *d.* was paid for bringing the

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man before the court on the plaintiff's part, and if the defendant comes in he pays 3 *s.* 6 *d.* for liberty to defend himself. If the seneschal rules for the plaintiff he gets 3 *s.* 6 *d.* more, which he would not otherwise get, and that is paid to the seneschal.

992. Is the seneschal of Corrafin a professional person?—No, he is not.

993. What rank of life is he in?—He is what is called one of the middling gentlemen, a respectable man; and has property of his own.

994. Who appoints him?—It is in the Marquis of Thomond's family.

995. What class of persons were the jurors who attended the court?—They were generally people picked up in the village, or coming there for the purpose of attending the court. There was a public-house keeper of the name of Kease, who was generally upon the jury, and a tailor of the name of Shehan was constantly in attendance; they appeared to be people given to whiskey.

996. Were these men you mentioned persons from the village or from the parts of the country round?—Those men were from the village.

997. The court was held in a public-house?—Always.

998. In the same public-house or different public-houses?—I never saw a change. I believe there was a change once or twice, but it was generally in the same public-house.

999. Is there a court-house in which it could be held?—There is a market-house or town-hall, which I believe could be obtained for anything of the kind.

1000. Have you ever observed any deficiency as to the number of jurors?—I seldom saw more than three, five, or seven; an uneven number, I believe, the seneschal used to get. He looked upon his object as attained if he had an odd number; either three, five, or seven.

1001. Without particularizing the number, which, perhaps, at this distance of time you cannot do, are you perfectly clear upon the point that less than 12 were ordinarily upon the jury?—I am, decidedly.

1002. Were those persons in general tenants of the manor or the occupants of lands or houses within the manor?—They were, I think, principally people of the town; the tenants of Sir Edward O'Brien.

1003. Did the jury substantially take any part, or had they any weight in the decision of the causes?—I think not. In my opinion the seneschal ruled the cases as if the jury were not present at all.

1004. Mr. *Vesey.*] Do you mean to say, by the last answer, that the jury never retired to deliberate?—They used to retire sometimes.

1005. Then what do you mean by saying the seneschal ruled the cases without the assistance of the jury?—Because the seneschal said, "Let this man have a decree," without any reference to the jury.

1006. Do you mean to say then that the jury only went out formally to deliberate?—Except in particular cases.

1007. In the case of the man of the name of Keefe you mentioned, did he invariably get decrees when he came into court?—I never knew it otherwise.

1008. To what do you attribute his getting those decrees invariably; was it to the justice of the case or to partiality on the part of the court?—I think it was to encourage business to be brought before the court; the seneschal got nothing if he had no business.

1009. Do you mean by that to say, that the seneschal always caused the verdicts to be given in the plaintiff's favour, whether it was just or not?—I mean to say, I thought he was satisfied with very little evidence of the facts of the plaintiff's case, and that he almost uniformly ruled with the plaintiff.

1010. Then in all Keefe's cases the jury scarcely deliberated upon their verdicts?—I cannot say; I rather think they considered them altogether. They sometimes retired to another room, and they sent to the plaintiff for a quantity of punch, which they were in the habit of getting, and they would not give him their verdict until they got it.

1011. That was in disputed cases?—Yes.

1012. To what do you attribute the jury always retiring to deliberate, if always biassed by the seneschal?—I attribute that to the seneschal having the selection of the jury, and the jurymen being persons who attended principally for the purpose of getting the drink, which they got from the plaintiffs generally, because they were almost always the successful parties, and because the seneschal himself when the court was over gave them a treat in the evening.

1013. Then do you mean to say that every rich man going into this manor court

court would be certain of a decree?—I do not mean to say he would be certain, but I should take it he would have 99 chances out of 100 in his favour.

1014. And you attribute that both to the seneschal's showing a partiality towards a rich man on account of the money which he is to receive for the decree, as well as the power the seneschal has over the jury?—Yes, I attribute it to the want of legislation on the subject; because it is naturally the interest of a man to get money, where he gets considerably more if he decides one way than he would if he decided the other way. From what I have seen of the constitution of those courts I think the leaning is always towards the side from which most money is to be drawn.

1015. When you say, "from your experience in those courts," have you ever been present at the decisions of any others?—I have.

1016. Has the practice of those courts been invariably the same; did the seneschal always act in that way?—Rather worse, I think.

1017. What other courts have you been in?—I have seen the practice of a court in the county of Galway.

1018. I understand you to say the jury are generally people living within the town of Corrafin?—They live in the town principally, or in the immediate neighbourhood.

1019. The seneschal being bound to take jurors from every part of the manor?—Decidedly, but he is in the habit of having that set of people; in fact, it appeared to me that there was a perfect understanding that the seneschal put whoever he liked upon the jury; and as it was an object to a juryman to be put on if he was fond of whiskey he agreed with the seneschal, for if he disagreed with him he was put off.

1020. If the seneschal made a proper use of his power in selecting the jurymen from different parts of the manor, do you think those abuses would exist?—I think if the seneschal exercised his power of selection as he ought to do he would get a fair and impartial jury.

1021. Do you think those jurymen would bow to the decision of the seneschal?—I think not anything like to the same extent.

1022. Mr. *Bridgman.*] Have you known any decrees made by this seneschal against the decision of the jury; did he ever make a decree contrary to the finding?—I cannot speak distinctly to that, but I very often saw the jury murmur a little when the seneschal said, "Give him a decree," ruling the case contrary to the little disposition which was manifested by the jury in favour of the other side.

1023. Mr. *Vesey.*] When you say the jury murmured, did the jury deliberate in the presence of the seneschal and of the public too?—Yes; there was no time for retiring at all. It was merely when a person was throwing in a word for his friend, who was one of the parties.

1024. Then, in fact, the seneschal decided, and not the jury?—I think so; all the parties were present when the jury did interfere in court.

1025. Are there complaints generally of the practice of that court?—There are complaints generally; the public opinion is very much against them in that neighbourhood. I know both the Protestant and Catholic clergymen looked upon it as an engine of oppression, and a thing ruinous to poor debtors, who were the parties brought before that court.

1026. Is that feeling against the court itself, or against the officers of that court?—I think it is a good deal against the officers, and a good deal against the way in which the juries are brought together, from the same persons being uniformly taken as jurymen; and against the great expense of that court, relatively speaking, with a better court.

1027. Do you not think if that court were, as I may say, legally administered, there would not be that strong feeling against it which there is now?—I think it would not be right to attribute it to the court itself, which, perhaps, was originally a good institution. I would attribute more to the want of legislation on the subject. If our superior courts had been left in the primitive state in which those manor courts are, there would, perhaps, be as great an outcry against them; but I certainly am of opinion that, as at present conducted, the seneschals' courts are a great evil to the country.

1028. Mr. *Jephson.*] You have stated generally that one set of men are the jurymen of this court?—Almost uniformly.

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1029. And they are altogether guided by the seneschal, whether right or wrong?—It appeared to me the seneschal ruled the court as arbitrarily as if there was no jury at all.

1030. Do you think they lose their characters; that they are considered men of bad character?—Some of them have no character to lose.

1031. Then they are known as a body of men of very bad character?—As a body of men very fond of drinking, which does not constitute bad character altogether, in Ireland; that they come there to get whiskey.

1032. As a body of individuals who come to get whiskey and to connive at the conduct of the seneschal?—They take his views along with what he gives them; they all get a treat from the seneschal in the evening.

1033. Whether right or wrong?—Yes, I think so. I have seen decisions I should not think right, and I saw no disposition on their parts to interfere. The seneschal would say, "They may appeal if I am wrong; the plaintiff ought to get a decree."

1034. Is the seneschal of a very superior class of life to the jurors in general?—Yes.

1035. Do you think it is from deference at all to the opinion of a person in a superior rank of life, that the jury are induced to give way to his opinion?—I think it is more for the convenience of being continued upon those juries, for the reasons I have stated, and I should think they would be put off if they disagreed materially or generally with the seneschal.

1036. *Chairman.*] Do sworn attornies practice in that court?—No; except in special cases no person who felt aggrieved would go to Ennis for an attorney to defend him.

1037. Do persons, not attornies, act as agents?—Yes.

1038. Is there any one of them an officer of the court?—One man, named Conway, acted as a kind of registrar to the court, and filled up decrees.

1039. You say he filled up decrees; was he a person allowed to fill up decrees by the seneschal, or was it merely as a matter of accident that he did so?—He principally got the filling up of the decrees.

1040. In what other respect did he act as registrar; did he keep the court-book?—I rather think he assisted; he appeared to me to do so.

1041. Have you ever known any other persons practise as agents of that court?—There was another Conway, a son of his, who got a fee of *2 s.* for acting as agent. There was a woman also, who used to practise.

1042. What was her fee?—She did the business for 1 *s.* She was the wife of the bailiff.

1043. What was her name?—Mary Doyle. She made out accounts, and spoke a little to the court or jury, sometimes.

1044. She addressed the jury?—She said as much as she could in favour of the party who employed her.

1045. Was the court generally numerously attended?—There was not room for a great number of persons; it was a small room in a public-house.

1046. Was that room crowded?—It used to be considerably crowded.

1047. Was the effect of these scenes you mention in court such as to give you an idea that justice was administered in a satisfactory manner?—The public opinion seemed to be that justice was not administered at all, and that it was a complete caricature of a court of justice.

1048. Are you acquainted with any other courts in Clare?—I cannot say I have much acquaintance with any other courts in Clare. I was in another court at Crusheen.

1049. Did anything particular occur, to your knowledge, in that court?—Not to my own knowledge. It appeared to me to be conducted in the same way, and in a public-house.

1050. Do you know that the seneschal of any of these courts has himself practised as an agent in the court?—I have heard so.

1051. Are you acquainted with any other courts in any other counties in Ireland?—I am acquainted with the court at Oranmore. The seneschal there is a professional man; he was an attorney. I do not think he practises in his profession now.

1052. Does he practise at the quarter sessions?—I think not.

1053. Oranmore

1053. Oranmore is in the county of Galway?—Yes.

1054. Have you resided for any time in the county of Galway yourself?—I have, for three or four years.

1055. Mr. *Vesey.*] How is the court at Oranmore conducted?—It is held in a public-house.

1056. Have you gone to that court often?—No; I should think about half a dozen times.

1057. Did the same practices prevail in the court of Oranmore which you have described as existing in the court of Corrafin?—Nearly the same thing, I should think.

1058. Did the seneschal of the court at Oranmore seem to guide the decisions of the jury to the same extent as in the court of Corrafin?—I cannot say exactly to the same extent, for the jury were more numerous.

1059.—Did he at all?—I think he did, decidedly; and I should say so from this fact: I know two or three men who are notorious drunkards, and they go 10 or 12 miles to be upon the jury, and they go circuit with him sometimes.

1060. *Chairman.*] There are two courts then held by that seneschal?—Yes, several courts.

1061. Are they different courts within the same manor, or courts in different manors?—I should think they are all in the Clanricarde manor.

1062. What other places does the seneschal hold courts at besides Oranmore?—I understand he holds two new courts, which he has established.

1063. Are you aware that he holds other courts?—Yes; I believe he holds a court at Loughrea and at Athenry, but I can only speak positively to Oranmore.

1064. These persons you mentioned were in the habit of attending both these courts?—Yes, one man more especially.

1065. Mr. *Vesey.*] When you said that the seneschal at Oranmore guided the decisions of the jury to a great extent, do you mean to say he did more than guide them by his charge at the end of each trial?—It seemed to me that, from the selection of nearly the same jurors at all times, he had such a command over them that they took whatever he said to be right, and they did exactly what he liked.

1066. In all the decisions you were present at, were they given in accordance with the charge of the seneschal?—I never heard the seneschal give what I may call a charge. He used to say, "The plaintiff ought to have a decree," or perhaps the contrary; I never was present when the defendant succeeded.

1067. Did you hear any verdicts given that, in your opinion, were unjust, at the court of Oranmore?—I cannot say I attended much to the verdicts there.

1068. Then you can only speak generally as to that?—Certainly.

1069. The seneschal there was a professional man?—Yes.

1070. And, therefore, the jury were more likely to bow to his decision upon the law than when an unprofessional man presided?—I think it was pretty much the same thing.

1071. Were they generally the same people who were selected for the jury at Oranmore?—Indeed they were, as often as I was in the court; I did not see much difference.

1072. What class of people were they?—They were public-house people; and one man I used to know to be in attendance was a kind of small farmer. He had a few acres of land. He kept a public-house on the road, about 10 miles from Oranmore.

1073. Were they generally people of the same bad character as the jurors at Corrafin?—I do not say they were very bad characters.

1074. As far as being drunkards?—Yes; they were generally of a low description of people; persons to whom the drink they got appeared to be the great object.

1075. *Chairman.*] Was it a licensed public-house that man kept?—Yes, I rather think it was.

1076. Is there any practice which you consider oppressive with regard to the dating of the summons or process to appear in this court?—There is. It must bear date six or seven days before; but the seneschal of Oranmore told me himself that it was not necessary to have it served more than the evening but one before the court sat; so that if a man were served 12 or 14 miles off at any time last night he is to attend the court to-morrow morning; and it very often

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hap pens when a man is at a fair, or from home, that a party wanting an unjust decree will take advantage of that time to sue him. I do not know whether the law allows it, but it certainly is oppressive.

1077. Is there any complaint as to the frequency of the adjournments of these courts?—Yes, at Oranmore especially. I was there last summer, and I met a crowd of people, some of whom were tenants of my own, coming from a great distance to attend this court, which had been adjourned several times. I asked the bailiff, who represented the seneschal there, what was the reason; and he told me, that until there was such a number of processes actually issued as would induce the seneschal to come, he would not hold a court, and it would be adjourned from week to week; and I have seen parties coming there time after time, until the seneschal did come at last.

1078. It was a matter of uncertainty, in fact, at what time he would come?—Yes.

1079. At what distance from Oranmore did he reside?—The town of Loughrea, I think, is 14 miles from Oranmore.

1080. Now as to what are called 'distringases,' that is a process against the goods?—An attachment against the goods.

1081. An attachment is the legal name?—Yes.

1082. Attachments on mesne processes, are they very much in use in this court?—They are very much.

1083. Does the use of them appear to you to be oppressive and injurious?—I think it does, especially among the ignorant part of the people, who know little or nothing of the law, and very little of the English language, and some none at all. They think it is a final decree, and when the goods are taken, they frequently pay the money.

1084. They mistake the mesne process then for a final decree?—They do, and it almost amounts to the same thing: for when a poor man has not a pound's worth of furniture and his bed, if that is taken from him for a time, it would be as oppressive as losing it.

1085. Then you think the process in itself would be as oppressive if they did not mistake it for a final decree?—Nearly so.

1086. So that the removal of this ignorance of the people would not remove the evil complained of?—Certainly not. It is a power which is very oppressive.

1087. Then the oppressiveness of that process gives a facility to extortion on the part of unscrupulous plaintiffs, does it not?—Yes, decidedly; and to the bailiff and all the parties employed in the execution.

1088. Have you ever known a particular use made of this process of attachment?—I know a cause in which a horse belonging to a gentleman at Oranmore was seized under one of these attachments. The bailiff who had the power of taking bail refused to do so, and the gentleman had no remedy but to issue a Chancery replevin, which cost several pounds. There was no other mode of getting his horse back.

1089. Have you ever known the criminal jurisdiction of the county evaded by these processes?—In the county of Clare there were two men indicted for sheep stealing, and the gentleman who defended them told me he was exceedingly surprised at the ingenuity of some friend of theirs who got a distringas antedated, it was proved on the trial, and the men were acquitted.

1090. What was proved?—That instead of stealing the sheep they had the seneschal's authority for taking them.

1091. Was it the opinion of the country that that seneschal's authority had been forged?—No; it was obtained, perhaps, while the judge was in the town, and it had been antedated. I did not see the distringas, but the attorney who was employed for the men who were acquitted told me so himself.

1092. Then the date was forged?—Yes.

1093. Mr. *Vesey*.] Do you mean to say the attorney got the distringases from the seneschal?—No, he was surprised at it himself; but some friend of the parties who were tried for sheep stealing went to the seneschal, and by some process, which I cannot understand, he issued a distringas against the goods of the prosecutor, and they proved a legal right to take the sheep.

1094. Was there much talk about it after the men were acquitted; and when that first became known that the distringas had been antedated?—It was not much talked of, because the generality of the people did not know that the thing

thing had occurred at all. The attorney told me that he was surprised at it himself, and he was quite sure it was obtained while the judge was in the town.

1095. But in saying that, do you mean to say the seneschal was in any way acquainted with it; or do you mean to state it was the general habit to sign orders of this kind without looking minutely into them, and some person took advantage of that negligence on his part to get what we may call a forged process to go through this court of the seneschal?—Yes, I sohuld say that was my own feeling; but I do not know out of what seneschal's court it issued.

1096. Do you believe that neglect and carelessness in signing the process of attachment is common among the seneschals?—I rather think it is not so much so as it was.

1097. But it was so at this time?—I believe it was; I believe they were left with the bailiff who issued those things.

1098. He signed them in blank?—I cannot say so positively; but I rather think so.

1099. Mr. *Vesey.*] Are you aware that the seneschals are obliged to lodge security on being appointed?—I am aware the bailiff is obliged to lodge security with the clerk of the peace, and I recollect making a search myself in the peace office at Ennis, I think in 1829 or 1830; the clerk of the peace told me he had not got in the bond from the bailiff of the court, and I think the seneschal told me he had the bond himself.

1100. Do you not think that practice of antedating distringases was a malpractice, and ought to be punished?—Decidedly.

1101. But do you not think that some magistrate of the county, or some person anxious for the people, ought to have made some complaint, or brought forward some instance of such malpractice?—Yes, I think it was their duty; but it was a very short time ago that it was mentioned to me by the attorney. They did not let it out at the time, I suppose. It is not more than five weeks ago that I heard of it.

1102. How long ago was the trial for sheep stealing?—I think it was in 1829 or 1830, as far as my recollection goes.

1103. You said just now that some of those cases which came before you at petty sessions at Corrafin arose out of riots in the execution of the decrees of the manor court?—Very frequently.

1104. *Chairman.*] Do you know of any instances of hardship arising in the execution of those decrees, from extortion on the part of the bailiff, or any other malpractices?—They were complained of; and it was also a very general complaint that the seneschal exceeded the boundaries of his jurisdiction, and there always arose a quarrel between the parties executing.

1105. But without going into the question of exceeding his jurisdiction, within which was admitted to be the seneschal's jurisdiction, were there complaints of the malpractices of the officers of the court in the execution of decrees?—Very frequently.

1106. In what respect?—They did everything in the most oppressive way, unless they got money.

1107. Are the bailiffs generally persons of low character?—Exceedingly so.

1108. Are they as bad as the old process-servers?—They are, if possible, some degrees worse. Doyle, the bailiff at Corrafin, was a person we could not credit as a witness, and Gahagan, the bailiff at Oranmore, would not be much believed either.

1109. You have alluded to the jurisdiction of the manor, and the limits and local jurisdiction being exceeded in some cases; are those instances common?—I think it seems so undefined a thing that there is a perpetual warfare between the persons who conceive themselves out of the jurisdiction and the seneschals, who are always endeavouring to spread their jurisdiction, because it makes it more profitable.

1110. But are not the places over which the jurisdiction extends always defined in the patent or charter by which the courts are created?—I should think they must have been so originally; but from the change of the names of the town lands, and other things, it is a matter which brings on a legal controversy, except in cases where it is admitted and acted upon.

1111. Mr. *Hamilton.*] So that the public do not quite understand where the jurisdiction terminates?—Certainly not. I was told by the seneschal at Oran-

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more, that he could spread his jurisdiction over every foot of land which belonged to the Clanricardes, at any time.

1112. Of course you conceive the uncertainty of the jurisdiction with respect to the boundary very objectionable?—Certainly.

1113. And for the improvement of the manor court system it would be desirable that the limits of the jurisdiction should in all cases be defined?—Certainly; if they cannot be abolished altogether (which, I believe, would certainly be the best way), and something else substituted in their places, if it was thought necessary; it would be a great benefit to define the boundaries distinctly, and to have the rate-payers select some persons as commissioners or jurymen, who would sit with the seneschal, instead of the jurymen he selects himself.

1114. To what do you allude in speaking of rate-payers, in reference to manor courts?—Only to this, that I think if the jury were elective in any degree it would improve the court exceedingly, because at present they are generally parties who do as he wishes.

1115. Do you apply your observation to jurymen generally, or only to jurymen at the seneschal's court?—Only to the jurymen at the seneschal's court.

1116. Would not the same observation apply to making jurymen elective in other cases?—I have already stated that I have uniformly seen the same parties upon these juries; that they were selected by the seneschal, and they coincided generally in opinion with him.

1117. Then, I presume, that would not apply if the seneschal were in every respect an efficient and proper person; he could have no particular bias in any case?—No; I think if the thing were made respectable it might be continued.

1118. Mr. *Vesey.*] Is the seneschal a magistrate?—No.

1119. *Hamilton.*] Is there any uncertainty in the manor courts respecting which you have been examined, as to the nature of the jurisdiction, or as to the amount of the jurisdiction?—The people wish to limit the jurisdiction as much as possible; the seneschals wish to increase it, and I have only both their stories.

1120. *Chairman.*] But the patent or charter would clearly define the jurisdiction, about which there can be no question, I suppose?—No; I am only saying the opinion of the people is, that it is a great deal smaller generally than the seneschal asserts it to be.

1121. Mr. *Hamilton.*] So that, practically, there is a question?—Yes.

1122. Is there a copy of the charter or patent deposited with the clerk of the peace?—There is not; at least I made search for it at one time when I lived at Corrafin, and I could not find it.

1123. *Chairman.*] What is the pecuniary amount of the jurisdiction of the Corrafin court?—I should think 10*l.* Irish. There is seldom anything more brought before the court; but I believe the seneschal alleges that he has a higher jurisdiction. They were generally small transactions.

1124. At the court of Oranmore what is the jurisdiction?—The seneschal himself told me that his jurisdiction was 10*l.* Irish.

1125. Mr. *Vesey.*] Is the court at Corrafin much frequented?—It is.

1126. Are there many causes tried in one day?—I should think a good many.

1127. Do the jury deliberate upon each case separately, or do they wait until a number of cases are finished?—I seldom saw them retire at all; but when they did, it was in the evening.

1128. *Chairman.*] Have you known any hardship arising from the want of facility to enter appeals?—I think the seneschals in general are so fond of their own decisions, they do not wish to have appeals entered at all. I cannot state from my own knowledge any cases in which they refused them; but the general complaint of the country is, that they do refuse them in every case they can.

1129. They refuse them upon what ground?—The seneschal at Oranmore told me, that unless the plaintiff was present, and had the appeal ready drawn up, he would not take it afterwards; he did not conceive he was bound to take it.

1130. Unless the appeal was lodged in the court immediately on pronouncing the decree?—Yes.

1131. Do I understand you to say the seneschal conceived that the law justified him in that course?—Yes; that was his opinion.

1132. Even supposing the appeal entered, is not the distance at which the assizes are held, both the distance of time and often the distance of locality, a very

very great objection to the prosecution of appeals?—A very great objection, because it entails a great deal of expense.

1133. What distance is the assize town from Corrafin?—Seven miles; but there are courts held at Connemara, which is 40 miles from the assize town.

1134. Oranmore is only five miles, I believe, from the assize town?—Four miles and half.

1135. Then distance from the assize towns does not apply to those courts; that does not prevent parties from appealing?—No.

1136. Is there a disposition among the people to appeal from the decision of the court of Corrafin?—Indeed there is.

1137. Then do you mean to say that, generally speaking, when the people made an attempt to appeal, the seneschal prevented their doing so?—I know they endeavour to evade the granting of the appeal as much as they can.

1138. In the case of the man named Keefe you mentioned, have there been any appeals from the decisions of these courts?—I am not aware there were appeals in all those cases, but there were appeals from some of them, and I understood the decisions were all reversed. There seldom is an appeal in which that does not turn out to be the case.

1139. In almost all the appeals from the court of Corrafin the decisions are reversed?—Yes; and in the cases of appeals from the court of Oranmore the appellants are generally successful.

1140. Then in fact the decisions of the courts of Corrafin and Oranmore are in general illegal?—Instead of saying the decisions are all illegal, there is that difficulty sometimes in the way of the seneschal that he cannot prove his jurisdiction, and therefore the appellant succeeds. Though the decision may be right, if he cannot show his jurisdiction over the place where the appellant resides the appeal is successful.

1141. Then do you mean to say the appeals from the courts of Corrafin and Oranmore are with regard to jurisdiction?—No; but it would be wrong to attribute to improper decisions the success of all the appeals.

1142. But in those cases of appeal where they are not with regard to jurisdiction, but solely upon the merits of the case, are those appeals generally successful?—I rather think so.

1143. And they being successful, do you not conceive the decision of the appeal proves that the verdict of the manor court must have been illegal?—Decidedly.

1144. And the verdicts of the manor court of Oranmore have generally been in compliance with the charge of the seneschal?—Yes; I believe so. I do know it is the case that it is very difficult to get him to take an appeal against his own decision; and that is much complained of.

1145. Mr. *Lucas.*] Allow me to ask, with reference to a question put to you just now, do you conceive when appeals result in overturning the verdicts, that, with reference to the manor court, the verdicts have generally been illegal, as you have stated, or that they have been erroneous upon various grounds?—I mean to say, in most cases they were not just, and in some cases they were beyond the jurisdiction of the seneschal, and I therefore do not wish to attribute the success of all appeals to the wrong decision of the seneschal.

1146. Some of them are illegal and some are unjust?—Yes. I drew that distinction; but the reason why I touched upon both questions was, that I thought it unfair to attribute to the partiality of the seneschal the upsetting of all the verdicts, because some succeed upon the mere point of their being out of the jurisdiction.

1147. But the verdicts which are overturned by appeals, do you consider those have been always overturned in consequence of being illegal, or that they were sometimes erroneous?—They were sometimes erroneous, most frequently, I believe.

1148. Without being illegal?—Yes.

1149. Mr. *Bridgman.*] Now, from what you know of those courts, do you think the seneschal cares, when a party goes to him for a process, whether the defendant is within the manor or not?—No, they do not, so that they get the money; they get 2*s.* 6*d.*, I think.

1150. *Chairman.*] Have you known the seneschal to pronounce a decree in a case which is litigated, and where the defendant contended that he was not

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within the jurisdiction of the manor?—I have seen frequently at the assizes an appeal succeed upon that ground.

1151. Did it appear at the assizes that the right ground of defence had been brought before the manor court?—I cannot say; but I believe there could be no doubt of it, because they will issue summons after summons, and process after process into places where they know they have no jurisdiction. The nature of the law is, that the seneschal gets nothing unless he gets business; he must, therefore, take every other means to increase his trade in the best way he can, and he accordingly encourages parties to come before his court. The plaintiff having the choice of bringing his action, can go into any court he likes, and of course he will go to the court where the verdicts are oftenest for the plaintiff.

1152. Mr. *Lucas.*] Then that objection which you make to the seneschal's jurisdiction, applies to all officers who are remunerated solely by fees?—I should think if the sole emoluments of the judge depended upon fees obtained by the quantity of business, it would apply to other courts.

1153. Where the judge is remunerated in the same way?—Yes, it might not apply to the same extent, but it would in a great measure.

1154. Then you consider that objection to the seneschal's court, as it at present exists, would be equally an objection to any other court where the judge is remunerated in the same way?—Yes; I think where reform is so requisite, and is not applied, the objection would apply to all.

1155. Mr. *Bridgman.*] Do you not know that many persons have said, "I am out of the jurisdiction," and that the seneschal has replied to that, "I will decree you?"—Yes, I have heard them frequently make that complaint.

1156. *Chairman.*] Have you heard the seneschal make that answer?—Yes, "I will give a decree against you, and you can appeal." I think where they do appeal it is fair enough, for the decrees are generally reversed, but the business of the court is much increased by it, and it is an obstruction in the way of the appellant's right.

1157. Mr. *Lucas.*] Have you ever heard of that statement being made on oath in rebutting a case; namely, that the defendant was not within the jurisdiction of the manor? You have stated that you heard it asserted often. I want to know whether you have heard it asserted upon oath in the court, and proved as a defence?—I have heard it asserted by the appellant, or the lawyer whom he employed, but I do not know in what manner he proved it, whether by the production of the patent or in any other way.

1158. Have you known decrees issued in contradiction to evidence upon oath, that the case was not within the jurisdiction of the manor, or simply upon assertion, not proved on oath?—I cannot say exactly how it was proved to the satisfaction of the judge, but I know I have seen decrees sent into town lands, that were asserted not to be within the jurisdiction of the seneschal; I have seen those appeals succeed before the judge, and I have known the seneschal send other decrees and other processes into those town lands notwithstanding.

1159. Mr. *Bridgman.*] Is not the seneschal on those occasions obliged to bring a copy of his patent into court, and to show the limits within which he has jurisdiction?—I believe the judge can call upon him to do so; but it very frequently happens that they cannot show their jurisdiction, and parties who have seized under their decrees, and sold goods, are decreed when they come into the barrister's court, and made to pay the full amount of what they sold, perhaps in ignorance of their not having a right so to do.

1160. Mr. *Lucas.*] Do you happen to know whether it is or not obligatory on the seneschal of a manor to lodge a *constat* of his patent with the clerk of the peace?—I believe it ought to be lodged, and I believe there is an Act of Parliament compelling him to do so, but I rather think it is not done, for I made a search in the office of the clerk of the peace at Ennis in 1829 or 1830, and I did not find anything which gave the boundaries of the jurisdiction of Corrafin.

1161. Then you do not know whether that is or not the law?—It is; but there are several manors by prescription, of which there are of course no records.

Martis, 9° die Maii, 1837.

MEMBERS PRESENT.

Mr. Bridgman.	Mr. Jephson.
Mr. M. J. O'Connell.	Mr. Lucas.
Mr. Fitzstephen French.	Mr. Villiers Stuart.
Mr. Hamilton.	Mr. Vesey.

MORGAN JOHN O'CONNELL, ESQ., IN THE CHAIR.

John Borlase Warren, Esq., called in; and Examined.

J. B. Warren, Esq.
9 May 1837.

1162. *Chairman.*] ARE you seneschal of any manor in Ireland?—I am seneschal of three.

1163. What are they?—Macroom, Kilcrea, and Blarney.

1164. Are you also a magistrate of the county of Cork?—I am, and of Kerry.

1165. How long have you been seneschal of these manors?—Since Christmas. Mr. Brown, the late seneschal, died about Christmas, and I was immediately appointed by Lord Bandon.

1166. Is Lord Bandon the lord of these three manors?—He is.

1167. Was Mr. Brown, your predecessor in office, a magistrate of the county?—No.

1168. Was he in the same rank and circumstances that you are in?—I believe he was a gentleman both by education and property.

1169. Had he been a very efficient person?—I cannot say. He was a very old man when he died, about 87: I never heard that he was an efficient person at any time.

1170. Did he retain the office of seneschal to that great age?—He did, to the last moment.

1171. Did you yourself apply to Lord Bandon to be appointed seneschal, or did he offer it to you?—Partly both. Lord Bandon is a very near relative of mine, and I hold a very large tract of land under him; I am also under many obligations to his lordship. I believe the present Lord Bandon was anxious to improve the courts, and to make them something of a better description than they were; and as soon as anything was said about it, I got the appointment in an instant. I beg to hand in a letter from Lord Bandon, in which he informed me of the appointment. [*The same was handed in and read, and was as follows:*]

"My dear Mr. Warren,—I return your papers, to which I have had the greatest pleasure in affixing my name. Being confined to my bed by indisposition, I can only add my best wishes that you may long hold the office you have been so good as to accept.

"Very faithfully yours,

"3 January 1837. "*Bandon.*"

1172. From that letter it would appear that Lord Bandon looked upon your acceptance of the office of seneschal as a favour?—I am sure he did. I am sure he was glad I got the situation.

1173. Are you aware that in general the seneschals of manors in your part of the county are of a rank in life equal to, or inferior to, your own?—I should say, certainly, that a great many decidedly are not. Many of them are men I would not, in any sense of the word, associate with.

1174. Mr. *Hamilton.*] Are they usually of the rank of magistrates of the county?—Certainly not; still I do not mean to say there are not many respectable men among them.

1175. *Chairman.*] Has the appointment of persons who are not of a sufficiently respectable station, to the office of seneschal, contributed to any discredit being cast upon those courts?—Unquestionably it has; it has almost ruined the courts.

. B. *Warren*, Esq.

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1176. Where are your courts held for these three manors?—One is held at Macroom, the other is held at Kilcrea, and the other court, of Blarney, I have not sat in yet. Lord Bandon was in London, and I have now the appointment for him to sign.

1177. Is Macroom a town of considerable population?—It is an inland town of very considerable business.

1178. Kilcrea is a village, I believe?—No; there is no town in the manor of Kilcrea; but it is a very large district.

1179. In what building in Macroom do you hold your court?—In the regular court-house.

1180. In the quarter-sessions court-house?—Yes; and a very good one it is.

1181. In Kilcrea, where do you hold your court?—I sit in two farmers' houses; one in the eastern, and the other in the western part of the manor; I rent them.

1182. Do you sit alternately in these houses?—I do, for the convenience of the inhabitants. I did it by their wish. They asked me to do it.

1183. Was it customary, before your time, to hold the court at Macroom in the court-house?—Yes.

1184. Where was the court in Kilcrea held?—I believe it was held in a house near to where I hold it now.

1185. Was it a public-house?—I believe so.

1186. A practice prevails in some parts of the country of holding these courts in public-houses?—Yes; I should say, for this reason, that they are generally the largest houses they can procure. I think it is a great want, not having some particular house of this description to hold the court in.

1187. Mr. *Hamilton.*] Are the boundaries of your jurisdiction well ascertained?—Certainly; there is nothing easier than ascertaining the boundaries of our district.

1188. It comprises a great number of townlands?—Yes; any man who wishes to find out the boundary of the district, can go to the clerk of the peace of the county, and he will find the patent in his office.

1189. Is the patent which is deposited in the clerk of the peace's office in the original Latin?—Yes, it is; but I think the Irish names of places are given so that you can easily make them out. I have a translation of the patent of Macroom manor, which was sent to me [*produces it*].

1190. Do you think a translation, giving the modern names of the townlands, would be more useful than the original Latin?—I should think so, certainly.

1191. *Chairman.*] Your manor extends over several parishes?—Yes, through a very large district.

1192. Does it extend over the whole of those parishes?—Yes, over a great many, I believe.

1193. Mr. *Hamilton.*] Do I understand you to say that practically the public are aware of the precise bounds of the manor?—I think there is no doubt of it.

1194. *Chairman.*] There are no parishes over which your manor extends in which you have no jurisdiction?—No.

1195. But there may be cases in which only certain townlands in parishes belong to the manor, and where these townlands have not their boundaries well ascertained, and in that case there might be a difficulty?—I never knew of any case of that sort, and I never heard of any difficulty arising from it. The moment a dispute occurs, anybody who thinks his parish or place is not in the district, may go to Cork, and refer to the patent, and there it is decided.

1196. Mr. *Hamilton.*] Would not the seneschal, if there were any doubt, ascertain the fact before he issued the process?—Unquestionably he ought.

1197. He would be liable to an action if he did not?—Yes; and most likely he would have an action brought against him.

1198. *Chairman.*] What is the amount to which the jurisdiction of your court extends?—Forty shillings English in all three courts.

1199. Do you always try cases with the assistance of a jury?—Always.

1200. How are your juries summoned?—I have a regular form of summons, according to the Act of Parliament.

1201. By whom is the summons served?—By the bailiff belonging to the court.

[*The Witness handed in a Form of Summons, &c. see Appendix.*]

1202. The form contains the words "herein fail not, under penalty of one pound

pound sterling;" do you think the Act of the 25 Geo. 3, gives you a sufficient power to inflict that penalty in case a juror should refuse to attend?—Yes; my own opinion is, that it does; but I know I am differed from by a great many.

1203. Mr. *Hamilton.*] Have you ever inflicted it?—I have; but very gently. I have done it more to frighten them a little, and I got them to apologize for not coming, and when they came next day, I have let them off without selling cattle or anything of that sort. I have avoided coming to actual hostility with them, until I knew I could do it with safety.

1204. In fact, then, you have never inflicted the penalty?—No; but I have granted a warrant, and they have come next day and apologized, and attended in the place of another man. I never had occasion to do anything more.

1205. Is it considered doubtful upon the construction of the Act of Parliament, whether the seneschal has the power of fining?—It is by a great many.

1206. I presume, as some ambiguity exists, you think it desirable that that ambiguity should be removed, and that some alteration should be made in the law, so as to give a power of fining?—Unquestionably, that power should be defined clearly, if there is a doubt about it at all.

1207. *Chairman.*] With regard to the class of persons who serve on juries; what regulations have you made upon that subject?—The first thing I did, was to go to the barony high constable, and I got from him a list of all the respectable rate-payers; I revised that list again from my own knowledge, and I selected, I suppose, about 400 names; and out of that number, in rotation, I took my juries.

1208. Do you always select the persons yourself, or do you leave to the bailiff of the court any discretion?—I always select them myself. I never allow the bailiffs a discretion of that kind.

1209. Do you consider that allowing them that discretion would be likely to be injurious?—Not a question of it.

1210. Do you ever allow jurors to be put by when they are objected to?—Certainly.

1211. How many do you summon for each court?—Eighteen in Macroom, and twenty-four in Kilcrea. An instance occurred the other day at Macroom, in which the jury had to retire, I was obliged to lock them up for four hours to consult upon their verdict, and I swore another jury, which was more respectable than the jury which was locked up. I have no difficulty in Macroom in getting a jury.

1212. Mr. *Vesey.*] You say you allow parties to set by juries; is that ever practised?—Very often; perhaps a man will come up and say, That juror is related either to the plaintiff or defendant, and then I set him aside, and put another in his place.

1213. *Chairman.*] The jurors are regularly sworn of course?—Yes.

1214. When you put a man by in any case of that sort, do you put him by for the rest of the day, or only for that trial?—Just as it happens; sometimes I leave him on after that trial is over. I should say, in justice to the jurors, that the objection oftener comes from them than from other parties; one of them will often say, I am a relative of one or the other party who may be coming up; and therefore he himself objects to be upon the jury.

1215. Are you aware whether the same caution in the selection of jurors was exercised in the court before you were appointed?—I do not think it was; I could mention a great many instances to show it was not.

1216. Was it considered a disreputable thing to be a juror of your court?—I believe it was better than other courts, but still there was a stigma upon it.

1217. Were there any practices as to drinking before you were appointed?—I heard so; but I cannot speak from my own knowledge; I never heard they drank in the court, but that Mr. Brown gave them something to drink at the end of the day; I never heard they drank in the court.

1218. I suppose it would not be easy for them to do so, the court being held in the public court-house?—Yes.

1219. You have a separate box for the jury?—Yes; they are as much separated as in any other court.

1220. Mr. *Hamilton.*] Is the court of quarter sessions held there?—Yes.

1221. I presume it is not disreputable now for persons to attend on juries, but rather on the contrary?—I conceive so.

1222. Do you conceive the readiness of the people to attend arises from their conviction that it is to the public advantage?—No question of it of late.

1223. Is the business increased of late?—Very much.

1224. *Chairman.*]

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1224. *Chairman.*] What is the average time your sittings last?—I sit according as the business may be; I sit sometimes at ten, and sometimes at eleven: if I find it is a very heavy court-day I sit at ten; I sat from half-past ten to half-past eight the other day in Macroom.

1225. Were you occupied all that time in trying causes?—Yes; I never was for five minutes doing anything else.

1226. Mr. *Villiers Stuart.*] Is that a common thing?—It is not in general so heavy as that, but the next day I sat from half-past eleven till half-past five; I was not at home till seven.

1227. Mr. *Hamilton.*] Is there much civil bill business at the quarter sessions court at Macroom?—Yes, I am sure there is, though I hardly ever attend it.

1228. *Chairman.*] At Macroom the quarter sessions were only held once a year before the late Civil Bill Act?—I believe so; they are now held twice a year.

1229. Mr. *Hamilton.*] But you find the existence of the quarter sessions court does not interfere with the civil bill business in your court?—I should say not; I should say from the increase of the business it would not at all.

1230. Mr. *Jephson.*] When first you were appointed, did you find that the juries expected to get money to drink from you or from the plaintiff or defendant?—Never from the plaintiff or defendant, but certainly they asked me for it.

1231. That was in consequence of the habit of giving it to them?—It was.

1232. Did you refuse to give it to them?—I did; and I read them a severe lecture, which I think has had an excellent effect ever since.

1233. Have they never asked you since?—No; they asked me in both courts at first.

1234. *Chairman.*] Are you aware whether in the manor of Kilcrea, where you stated you believed the court to have been held in a public-house, it ever had occurred that the jury got drink during the course of the proceedings?—I never heard that they got any drink in that way.

1234*. Did they ask you for drink in that place?—They did. I should say, in fact, it was more as if they asked me for refreshment; and there is a good deal to be said upon it. If I continue in office, I shall certainly think it my duty to send the jury some refreshment in the course of the day at my own expense; for it is a serious thing to have those men kept all day, from ten o'clock in the morning till eight in the evening, without any sort of refreshment. I should be very far from sending them any drink; but I will send them some kind of refreshment, as I think it is absolutely necessary.

1235. Mr. *Jephson.*] While the court is sitting, what power do you conceive you have to enforce order and regularity within the court?—I am not very clear about that; the district is so large, that I have six bailiffs in the Macroom district; and I make them keep order and regularity in the court, on pain of dismissal; and they do it.

1236. Have you ever had occasion to commit a person for contempt of court?—Never; I have always received the greatest respect from every one in it, high and low.

1237. How are the bailiffs paid?—The bailiffs are paid by the service of the process, and by the execution of any decrees.

1238. You do not consider you have any power of ordering the attendance of witnesses, though a magistrate, in your own court where you act as seneschal?—None. I applied to Mr. Galway, and he informed me that I had not the slightest power; nor do I wish it.

1239. Do you find that, generally speaking, the juries exercise a spirit of fair investigation in the cases which come before them?—I do.

1240. And that there is a general inclination to decide impartially?—Certainly. I may here remark, that I have always found the young men of the present generation far better and honester men than their fathers; they show a much greater regard for their oaths, and inquire much more minutely into a case before giving their verdict, than the old men. I need hardly add that I select the sons whenever I can.

1241. When the examination of the witnesses and the documents have been gone through, do you always consider it necessary to recapitulate the evidence, and to charge the jury?—If I find they have the case clearly before them, I hardly ever say a word to them; but if I see they are at all in deliberation, I ask

them

them whether they would wish to have any other evidence, or if there is anything at all they are not clear about; and if I find they will not come to a decision, I explain my view of the case to them; but in all cases I leave them to themselves as much as possible.

1242. Mr. *Villiers Stuart.*] They deliberate, then, in the same court in which you are sitting?—Yes, the court is open to the public, but the jury sit in a box, and they are quite away from the rest of the court.

1243. Mr. *Jephson.*] Do you consider it necessary, when you conceive that any point of law may arise, to direct their attention to that point of law before they retire to consider their verdict; or do you allow them to decide their case, and not strictly according to law, but according to what the jury may conceive to be the equity of the case?—I conceive, and so do they, I am sure, that it is entirely a court of equity. There are a few little law points which every man understands, such as a note being out of date, and several other points, which these men are as well acquainted with as a lawyer; but it is upon the equity of the case they go, and I keep them to that as much as possible.

1244. You being a magistrate, and probably acquainted with the general course of law, if you find a jury deciding contrary to the strict letter of the law, though possibly according to the equity and fair view of the merits of the case, should you in any way interfere?—I should stop them at once, because there would be no use in making a decree which would be reversed again.

1245. Then if a case occurs in which you foresee there is a possibility of the jury being led away from the strict law of the case by the equity of the case, would you not charge the jury, and explain the law of the case previous to their forming their opinion?—I said before, I leave them to themselves as much as possible. If I see they are not inclined to come to a verdict, I ask them their reason; and if it is anything in my power, I explain it to them. If I see that there is any legal point which is decisive, and that it would be foolish to give a verdict against it, I tell them so before they retire.

1246. Mr. *Villiers Stuart.*] Do I understand you rightly, to say that where you see the jury have retired to consider their verdict, and they seem to be in discussion about it, you then again re-enter upon the case, in order to assist them?—I ask them if there is anything I can explain to them, or whether there is any other question they would wish to ask any witness; for I never allow the witnesses to go away until the case is over. But I never give them any idea of what my opinion is as to the verdict; I leave that to them as much as possible.

1247. Mr. *French.*] When the law of the case is very decided, do you think it necessary to explain it to them?—Yes.

1248. As in the case of a note out of date, you would say, It is very true this money is due, but the note is out of date, and the decree must be reversed if you find a verdict for the plaintiff?—Exactly so.

1249. *Chairman.*] In the execution of your decrees have you ever heard any complaint made against the bailiffs for improper conduct?—I have only heard of one complaint since my appointment.

1250. Have you selected the bailiffs, or were they appointed previously to your becoming seneschal?—They were appointed previously; I thought it not right to dismiss a man without a trial. I dismissed one last court day.

1251. On what ground?—Upon the complaint of a party for extortion in serving the process.

1252. Had he been complained of before he was dismissed?—Yes; the assistant-barrister read him a lecture some time before, as he was also bailiff of one of the ridings.

1253. Since you have been in office have there been many appeals from your decrees?—Only two; one of them was evidently to gain time, and the man told me so at the time; and he has since paid the money; the other was affirmed by Mr. Serjeant Green, at the Cork assizes.

1254. Mr. *Vesey.*] On what ground do you think there have been so few appeals; are the people satisfied with the verdicts, or is it from the fear of costs?—I certainly think they are satisfied.

1255. Do you think the distance from the assize town and the expense of the appeal at all deter them?—I do not.

1256. Do you know whether there were many appeals from the court before you became seneschal?—There were; Mr. Brown held it from August to Christmas

Christmas last, and there were twelve appeals in that time, and but two in the three months that I have had it.

1257. Do you know about the number of cases that used to be tried before the former seneschal in the course of the day?—I cannot exactly tell you; I know they have increased considerably since his death, but I cannot tell the exact number.

1258. *Chairman.*] You have the court books?—Yes; the clerk has his court book.

1259. In making out a return for the last three months, did you refer to any causes tried by him?—I did not include anything done by him.

1260. You have mentioned that an appeal in one case was made, avowedly for the purpose of gaining time; do you conceive the law as it stands affords too great facility for such appeals?—Certainly, the facility afforded to appeals is actually a premium to appeal; all a man has to do is to come before me and make a sort of oath; I am fond of the taking an affirmation instead of an oath, but the law directs the oath. He says he is aggrieved, and wishes to appeal; and if, for instance, he appeals in the middle or the latter end of March, he has from that time to the assizes in August to pay the debt, and it only costs him a shilling to do it.

1261. Is there not a power in a superior court to mulct him heavily in costs?—I do not know how that can be done.

1262. Do you mean to say the judge has not the power of doing so?—I cannot say that he has not, but I never saw it exercised.

1263. Mr. *Villiers Stuart.*] You would think it desirable there should be the power of appealing, provided it is not exercised vexatiously?—Certainly.

1264. Do you think the suitors in your court are the townspeople against the farmers, or do you think the farmers resort to your court for redress?—All indiscriminately; for instance, servants summoning their masters for wages, and farmers for the grazing of cattle and price of potatoes, labourers' wages, &c.; I do not think one class of men are summoned more than any other.

1265. Mr. *French.*] Do you find wages cases come frequently before you?—I do.

1266. Because you are aware they have a much cheaper remedy before the magistrates at the petty sessions?—I attend the petty sessions courts, and I should say the wages cases are falling off in them.

1267. Mr. *Villiers Stuart.*] Do you think that is owing to their being a jury in your court?—Unquestionably, they have confidence in the jury.

1268. Are the costs as heavy in your courts as they are in other manor courts?—No; in my court the costs are only 4*s.* 7*d.*

1269. Mr. *Vesey.*] What class of men are the jurors?—Respectable farmers.

1270. Are they generally the class of persons who are the masters who would be summoned for wages?—Some are, and some are not. In fact I select my jurymen as much as I can from the jurymen who serve in the sessions court under a barrister.

1271. The jurymen being respectable farmers, are they not generally the class of persons who are defendants in case of wages?—No, I should say not.

1272. Are any of the jurors of the class of persons who are labourers or servants?—Never.

1273. Then they cannot be of the class who are plaintiffs in cases of wages?—No; I would not go down to that class of men for jurors.

1274. Then, though they are of that class of men who are generally defendants in cases of wages, the people still bring cases of wages to your court?—They do; for they are generally a respectable class of men, and are not processed or brought into court for small debts.

1275. You have perfect confidence in them?—I have, and so have the people; I never summon any man but an independent farmer.

1276. Mr. *Villiers Stuart.*] Are the petty sessions regularly held at Macroom?—They are.

1277. How often?—Every fortnight. I do not attend that court; I do not belong to that district.

1278. So that, if the people preferred the petty sessions court to bring their wages cases before, they would have a regular opportunity every fortnight?—Certainly.

1279. *Chairman.*]

1279. *Chairman.*] The manor court is only held once in every three weeks?—Yes.

1280. So that the fact of their attending in greater numbers than at the court of petty sessions, is a proof of their greater approbation of your court?—I think so.

1281. Mr. *Villiers Stuart.*] Can you state what number of wages cases are tried there generally?—On reference to my book, I could probably; but it would be difficult except that there are some observations to each case. My idea of the thing is this, that every seneschal should keep a printed book of his own, and that on each trial he should take down any observations upon it, so that if there be anything cross in the case the seneschal should attend the judge at the assizes or quarter sessions, wherever the appeal may be disposed of, and assist the judge or barrister in giving him his view of the case if there is any doubt or difficulty, or in the attendance of witnesses afterwards.

1282. Then at present there is no book kept by the seneschal as there is at petty sessions?—Yes, he must do that under a penalty; but one book is kept by my clerk, and I keep another. These are the two books I keep myself [*produces them*]; I can, on reference to them at any time, explain why a verdict was given.

1283. Is it your opinion that the manor court is preferred to the petty sessions court by the country people for the hearing of cases?—I should say unquestionably, yes, when well conducted; I find that the people are invariably pleased with being able to tell their story in Irish, and to address the jury through me, and to tell their story as they like themselves. The jury are conversant with their little manners and customs and bargains, much better than gentlemen, and all that; and I do think many of them would come to a fairer and better decision than almost any magistrate, at least, more satisfactory to the parties; I speak now from the experience of both courts.

1284. Are they not allowed to state their cases in Irish at the petty sessions?—Yes, they are, it must be allowed; but at the same time it is much preferable to them to tell their story to persons who understand Irish well, than to be telling it to an interpreter, who tells it to the magistrates again; they are always gratified at that.

1285. Mr. *Vesey.*] But, independent of their being able to tell their story in Irish, I understand you to say they prefer the manor courts, on account of having the case tried by persons of their own class?—Yes, as far as I can judge, they do. I think that a jury of respectable farmers and a country gentleman as seneschal (who ought to have both a character and respectability, the people well know how to appreciate both), are better able to decide on the above-mentioned cases than any barrister or attorney, and for this reason, that when a case is decided according to equity, and not by the strict letter of the law, satisfaction to all parties generally is the result. A poor and ignorant man seldom, or indeed never, understands a point of law; and if decided against on that head, is never contented or satisfied with the verdict; on the contrary, when trouble is taken by the seneschal to explain minutely why the jury gave a verdict against him, upon the strict grounds of equity, I seldom saw a man discontented, but have often seen them go away satisfied, and even thanking the seneschal and jury for their patient and fair investigation.

1286. Even where they have been decided against?—Yes; I have heard them say, "I am much obliged to your Honor and the jury for the trouble you have taken."

1287. Then you are of opinion, that when proper juries are selected to try causes in manor courts, the people would prefer them to any other?—I do.

1288. Have you any suggestions to offer as to the number of the jury?—As far as I am myself concerned, I have no difficulty in getting a jury at any time; but I know there are remote districts in which it would be easier to get six men than twelve.

1289. Mr. *Lucas.*] Do you think there would be any advantage in having an uneven number?—No.

1290. As they must be unanimous, their being an even number is of no consequence?—The original number was twelve, and I think six would answer as well.

1291. Mr. *Bridgman.*] Would there be more danger of packing a jury of six than twelve?—I do not think there is any danger of packing if you have a good

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seneschal. In my juries I never saw an instance of one of them being packed. My own opinion is, the abuses of the present system are the fault of the seneschals.

1292. *Chairman.*] Have you any cases of usurious contracts for the price of potatoes and other provisions coming before your court?—Nothing is more common; it is a constant thing; and I may mention this as an example, that nothing can be fairer or better than the decisions I have seen given by the juries, and their reasons for coming to such decisions. It is common at the early part of the year for a poor man to pass his note (through necessity) to a farmer or person holding a large quantity of potatoes, for a certain quantity at an enormous price; and after a process is issued for the amount of the note so passed. In such cases I have always seen the jury send one of the bailiffs of the court to the weigh-master of the Macroom market, and get from under his hand the average price of potatoes during the year; they then decree for the real value of the potatoes given, allowing a small sum over and above for the plaintiff, if he should be a long time out of his money, or for any other proper reason; but if the defendant should at any time have offered the value of the potatoes, they never give costs. I must remark on this, that I never saw an atom of dissatisfaction expressed by the plaintiff at this decision, let him be ever so hard a man; and it is of frequent occurrence.

1293. Is not that exactly what the assistant-barrister would do in the civil bill court at quarter sessions in a similar case?—I do not know what the assistant-barrister would do, but the jury do it; and I thought it was so fair and honest a thing that I never stopped them.

1294. When you were appointed, did you enter into sureties for the due performance of your duty?—Yes; we are bound to do so by Act of Parliament.

1295. To what amount did you give security?—To whatever amount the Act requires.

1296. Did you do so before the assistant-barrister at quarter sessions?—No; before the judge at the assizes.

1297. Mr. *Vesey.*] In the case of your showing any partiality in the selection of your jurors, or in the execution of decrees, do you think you would be liable to be sued for the amount of your security?—No, I do not; I think I should be dismissed. Lord Bandon holds the power of dismissing me at any moment he likes.

1298. What do you conceive to be the general impression of the public in the neighbourhood of your courts as to the manner in which justice is administered there; and as to the utility of those courts?—I have not a doubt that the people are in favour of them; the Acts of Parliament under which manor courts are governed are, in my opinion, mild and salutary: I do not see in any way how they may be made oppressive in the hands of any man of common sense and honesty; the power of appeal puts that beyond any question. To the shopkeepers in the town of Macroom, and the villages in the manor, nothing can be of more utility and convenience, and the quantity of processes called for by them, speaks that fact: they recover all their small debts there, without any expense or loss of time, and their only wish seems to me to be to have the jurisdiction of the court increased to some larger sum. Since January 4th, 1837, to April 20th, 1837, 1,291 processes have been issued and served in the two manors of Macroom, and Kilcrea; those processes on an average amounted to 1 *l.* each, making a sum total of 1291 *l.*, received and actually paid in since that period, 4th January 1837. This sum for so short a period, and annually amounting to so large a sum as 5,164 *l.*, in my opinion, shows the great utility of those courts; and indeed I may say absolute necessity of doing whatever may be thought necessary for their better regulations. A few good and salutary measures added to the present Acts on Manor Courts, cannot fail to render them of the most decided benefit to Ireland.

1299. Do you mean to say that in order to recover 1,291 *l.*, it would only cost the suitors 36 *l.*?—That was all; I take into consideration the shilling which is paid for the process and service, which I take for granted is paid by the man who owes the debt a penny for filing the process, sixpence for entering, and then the amount is the decrees granted for the 1,291 *l.* Now, that whole sum would be expended in eating and drinking and travelling, besides the loss of time to a tradesman in stopping at the assizes or quarter sessions during the time.

1300. Is it your opinion that if manor courts are abolished there ought to be local courts for the collection of small debts?—I think it is essentially necessary

to

to the convenience and well doing of the county. From the frequency of their occurrence no man, let his circumstances be ever so bad, can escape being brought at once before the court, that either compels him immediately to pay, or if he appeals makes him secure the debt to his creditor by giving a small and sufficient security. First, it is convenient from its great facility of avoiding expense of any kind, either to the plaintiff or defendant; for instance, any tradesman or labourer may attend the courts of either Macroom or Kilcrea, at eleven o'clock any court day, and have his business on in two hours, instead of perhaps being obliged to proceed either to Skibbereen or Mallow, a distance of (in some instances) forty miles from their residences; and being obliged often to remain from their trade, business and homes, a week or ten days at a heavy expense, exposed to the temptations of dissipation and drink, for a debt that sometimes is eat out by the time they obtain a decree. Secondly, from the great facility afforded to the lower orders of addressing and telling their own stories in the native language to a jury conversant and acquainted in general with their customs and bargains and transactions with each other; from their not being obliged to use an interpreter, but allowed to lay their case before the jury in their own way, and as it seems best to themselves. Thirdly, from the great anxiety (I have always seen) evinced by the jury to investigate most minutely and exactly every little circumstance attending the dispute, and from the nature of such dispute (being generally about the grazing of cattle, the price of potatoes, the rent of cabins and manured ground, labourers' wages, &c.), they are better able to decide on those questions than any other person or persons.

1301. Is it your opinion, that the jurisdiction of such local courts ought to be restricted to a small sum, or that it would be an advantage in some cases that the sum should be unlimited?—I handed in a memorial yesterday to the Chairman, from the inhabitants of Macroom, got up by themselves, and signed by nearly 2,000 names; and after stating that the manor court affords them the convenience I have stated, they pray that the jurisdiction of the Macroom court may be increased to 5*l.* In corroboration of that, I may state, that having received very early in the proceedings a letter from the Chairman, desiring to be furnished with all the information I could collect upon the subject of these courts, I wrote to some of the most respectable gentlemen in the country, to clergymen of both persuasions, and the most respectable tradesmen in the towns; and I have here a series of letters from them, in which, whatever their other ideas may be upon the subject of improving the Act of Parliament, they all agree that it is desirable to increase the jurisdiction to a larger sum than 40*s.* in so extensive a district. I beg to hand in some of those letters, which are from persons in different classes of life, as corroborating the opinion I have expressed.

[*The same were delivered in and read, and were as follow:*]

Sir, Ballybourn, 10 March 1837.

In reply to your inquiries relative to manor courts in this country, and to your express wish of ascertaining my opinion, whether or not it may be to the advantage of the people in general to have larger sums, suppose five or more pounds, recoverable in them, should the legislature, in its wisdom, so enact it, I beg to state, that I am fully satisfied, should such a change take place, it would be of the greatest advantage and utility to the people in general, and particularly to those living in remote and poor districts, who, in many instances, are obliged to go to the quarter sessions, a distance of thirty miles, and, under considerable inconveniences and expense, supporting witnesses perhaps ten or twelve days. Whereas, if larger sums than are at present, were recoverable in those manor courts, all this expense and inconvenience would be obviated, as the people could have their business done in one day, and then return home, and attend to their domestic concerns. I remain, &c.

L. Walsh, R.C.C.

My dear Warren, 15 March 1837.

In reply to your letter of the 12th instant, requiring my opinions relative to manor courts, I lose no time in answering it.

As agent to a very large district of country, I have had frequent opportunities of forming an opinion on this subject, and I have no hesitation in saying, that courts of this description are a great convenience for the receiving of small debts, and I consider if the sums recoverable were extended to 5*l.*, it would be desirable. However, if the sum was raised to this extent, the seneschal should be a man of property, good sense and strict integrity, otherwise not; at present, there is a great deal of time lost at quarter sessions, and considerable expense incurred, which a well-regulated manor court would obviate. I am, &c.

C. Colthurst.

P.S. Should the sum be raised to 5*l.*, I think the seneschal should possess at least 300*l.* a year.

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Sir, Killmurry, 16 March 1837.

I received your letter (enclosing a copy of Mr. Morgan O'Connell's to you) relative to the seneschal's court in Ireland.

As churchwarden of this parish, I called a meeting of the farmers, shopkeepers and dealers of this village and neighbourhood.

We were unanimous as to the great utility of the manor courts, for their convenience, the great saving of time and expense, and also the occasion, most frequently, of keeping us from attending quarter sessions at heavy costs, and often at the most dreary season of the year.

The only thing we regret most is, that the sum at present recoverable is so low; and are confidently of opinion, if raised to four or five pounds, it would tend to very beneficial results to us, and to a great portion of the community at large.

I am, &c.
John Buckly.

My dear Sir, Macroom, 18 March 1837.

HAVING seen Mr. Morgan O'Connell's letter to you on the subject of the manor courts of this country, and supposing that you will be examined before the Committee appointed to inquire into the subject, I think it right to give you my opinions as to the necessity of having those courts, and the great advantage they are to the lower classes in the recovery of their debts. I am not aware of any abuses in the proceedings of the Macroom manor court, and am of opinion that it would be very expedient to raise the jurisdiction of the court to the recovery of larger sums than it now has.

I am, &c.
Richard Davies.

Sir,

I UNDERSTAND the Legislature intends to give the present system of holding manor courts the benefit of their consideration. That an improvement is contemplated I can have no doubt; if so, the people of this district will be highly gratified at being enabled to recover debt at your court to a higher amount. Such is the accommodation afforded the poorer people, such the general satisfaction given at your court in the administration of the law, that great inconvenience must be sustained by any other change than that of investing you with additional power, to enable the public to sue for debt to a higher amount than they can at present.

Crookstown, 18 April 1837. Yours, &c.
David Hogan, R. C. C.

My dear Warren, Kinsale, 28 April 1837.

I JUST received your letter requesting my opinion with respect to manor courts. I am sorry to say they are in a very bad odour, and very justly so, from the disreputable manner in which they are generally conducted, arising, I think, chiefly from the injudicious selection of seneschals. As to the necessity of local jurisdiction for the recovery of small debts, little doubt can exist. I can bear testimony, from twenty years' experience, to their utility. I reside in a district comprising a population of 13,000, to which is annexed a court of conscience, with powers similar to manor courts. I attend the petty sessions of an adjoining district equally populous without such jurisdiction; the contrast is most striking; the people of the latter are frequently put to very considerable inconvenience and great expense by having to attend at quarter sessions, sometimes forty miles from their homes. I have known people repeatedly sacrifice just claims rather than incur the expense. In the former case a proper confidence seems established in the people's minds; they do not hesitate to avail themselves of the power of the court when they require it, and I can safely assert, the management of the court has given perfect satisfaction. In order as much as possible to prevent any impurity, particularly at the source, I think a property qualification should be demanded, say as high as 300 *l.* a year, freehold, as was required for a magistrate at road-sessions, from each seneschal.

Sincerely yours,
John Isaac Heard.

1301*. How many letters did you receive in all?—Fifteen, every one of them ascribing the injury of the courts to the ill conduct of the seneschals. I may add, that the great cause of the disrepute that manor courts have got into is entirely owing to, and to be attributed to, the lords of the manors appointing improper men to the situation of seneschals. I can have no hesitation in saying that, with some few exceptions, they are composed of men totally unfit, either from want of education, qualification as to property, rank in life, respectability of character, or any other good quality; and further, I believe, that they are not free from or beyond any temptation whatsoever. In fact, the office could not have got into worse hands; it was, I believe, abused, in every sense of the word, and, as such, very naturally produced bad results, and gave the courts themselves a name and character they neither merited or deserved. It is not so long since I remember the sessions courts equally badly regulated and carried on; a few good laws, and the removal of the old and incompetent barristers, soon worked a most salutary and useful change; surely the same revision would effect the same

same on the courts under consideration. The seneschal of a manor court should, in my opinion, hold in his district a decided character for honesty, and a strict regard for justice, and his word and good faith; he should be a man (to say the least of it) of a decent, nay, I would say, a respectable class in life; he should have a sworn to, and also an ascertained and proved qualification as to property, quite sufficient to put him beyond the idea even of temptation, for the people should know this, and will have confidence in him accordingly. He should be a person well acquainted with country customs, bargains, and the different prices of those necessaries of life that their disputes so often occur about; he should be well acquainted with the characters of the farmers, and those persons competent to go on his juries, and always to avoid for such situation a litigious or quarrelsome person; he should have a list of the jury to refer to, and put the names on in turn, so as not to harass or annoy any particular men. In short, as all depends on the seneschal's good conduct, I do not know any man that should be more cautiously chosen by the lord of the manor, and on whose character and qualifications greater judgment should be shown.

1302. Mr. *Villiers Stuart.*] Do you not think there will be great difficulty in finding people, fitted by their rank and station in life, to fill the office of seneschal, the emoluments being so very small?—Not the least. I think the moment the bad men are dismissed, you will have good men to fill their places.

1303. Do you think the emoluments are sufficient?—I think the lords of manors would give three or four to one man, which would give him a sufficient emolument.

1304. *Chairman.*] Do you know any court in which the seneschal is the keeper of a public-house?—I know a man of the name of Sullivan, in Kenmare, who keeps a public-house; and I am told there is a court higher up the country in which the seneschal can neither read, write, nor speak English.

1305. Mr. *Vesey.*] When you say you think you could find plenty of well-qualified persons to fill the office of seneschal; do you think those persons ought to be professional?—No, I do not.

1306. *Chairman.*] Do you mean that observation, in fact, to apply to the country parts merely, or to country and town manors generally?—In every instance. I think as it is, it is nothing but a court of equity, and a country gentleman of respectability and a good jury of farmers would decide any case with greater satisfaction to the persons suing there, than either a lawyer or attorney.

1307. Mr. *Vesey.*] Do you not think a person qualified to act as a magistrate would be competent for the situation?—Certainly. Various opinions have been given upon the subject of how it may be rendered effective by an Act of Parliament. Most of them, that I have consulted, are of opinion, that being obliged to qualify for a certain sum would ensure it, some say, 100 *l.* per annum, others, 200 *l.*; I go further, and say 300 *l.*, and I would wish to see it go further; there are other qualifications, also, that I think would be of advantage, viz., the gentleman (for that I am sorry to say some of the seneschals are not) being a magistrate attending at petty sessions court for, say, five years, would be an excellent preparation for him; his being a shopkeeper, or otherwise engaged in trade, ought to disqualify him, as I think the very worst results would attend business of his own being done in the court, which, no doubt, would be done there. I would allow the costs on no sum to exceed the sum now paid in the Macroom manor court, viz. 4*s.* 7*d.*; some courts have it much higher, where the debt exceeds 2 *l.*, but, as I said before, the costs come light, as I have never seen them given where it is to be avoided.

1308. Mr. *Villiers Stuart.*] Do you think that in that case the jurisdiction should be confined to 40 *s.* or 5 *l.*, or that it should extend to any sum?—I think 5 *l.* is a proper limit; and I would cut down the costs of them all, but not Macroom, for I know most of the courts charge too much for costs.

1309. You do not think it desirable the seneschal should have the power, which in many cases they have, of hearing the causes where the sum is quite unlimited?—Unquestionably not. In general, sums going beyond 8 *l.* or 10 *l.* would involve questions of property.

1310. *Chairman.*] Where there are courts with such a jurisdiction in towns and cities, do you not think a person with a legal education like an assistant-barrister should be appointed?—I think where it goes to 8 *l.* or 10 *l.*, so as to involve questions of property, a legal person should be appointed, but where it is under 5 *l.* or 40 *s.* I think it is a court of equity which any country gentleman can preside in as well as a barrister or better.

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1311. Mr. *Vesey.*] Do you know many other manor courts of the same description?—Yes.

1312. Does the jurisdiction in those manor courts go to a higher amount?—Yes; I believe the jurisdiction in the Bishop of Cork's court is 10*l.*

1313. *Chairman.*] Has that court been much used lately?—I believe it has.

1314. Is the seneschal a professional man?—He is an attorney.

1315. Mr. *Villiers Stuart.*] Do you not think that your authority is respected much better in your courts than in others, by reason of your being a magistrate?—Unquestionably it is.

1316. *Chairman.*] Have you any other suggestions to offer with regard to manor courts?—I have often heard a plan suggested, that these courts for the recovery of small debts should be placed in the hands of the magistrates at the petty sessions. My observation upon that, is that upon mature and deliberate consideration, upon consulting some of the oldest and best magistrates of my acquaintance, I agree with them, that it would never give satisfaction; the first thing generally done at petty sessions is to try the criminal book, and if the court is one of business, and it generally is, the great zeal of the magistrates is pretty well cooled before they come to the civil book; then comes on a list of nasty wearisome cases, uninteresting and tedious to a degree, and I fear it often happens that the magistrate's patience being exhausted, anxious to get on other business, to his home, and for various reasons, he may be apt to hurry the case, and not give it that patient investigation that almost always leads to a just and proper decision: in fact, an unpaid man will never go so deep into a subject of the kind as a paid one, nor take an interest of the same description; he will never sit quietly from ten in the morning until eight in the evening, and hear a parcel of complaints, that give no further reward than a violent headache, and perhaps bad cold. I think the man who presides over those courts for the recovery of small debts must be a paid one, or he will never give them that cool and patient hearing that ought, and must be bestowed on them: furthermore the people themselves, in all cases where the manor courts are well conducted, hardly ever have recourse to the petty sessions, as they think (and justly so), that where they pay a seneschal and jury for listening to their complaints and claims, these thirteen men, namely, the seneschal and jury, are bound to them, and must pay them proper and patient attention, whatever else may be done. I conceive that giving the recovery of those debts to an unpaid magistracy, would be a total and complete failure.

1317. Mr. *Lucas.*] Some of the witnesses who have been before the Committee have strongly objected to the power of appeal, and they have given it as their opinion, that the power of appeal is often employed by a rich man to defeat justice as regards a poor man; will you be so good as to state to the Committee any answer you have to give to that, as any evidence to rebut that opinion, that the power of appeal is made an instrument of injustice?—I perfectly agree with them; I had not the slightest doubt that it is so used: any man can get an appeal by coming before me and making a sort of oath, for the Act is very loose with respect to that, which only costs him a shilling, and he retains the money from the end of March till August, or from the end of August till March.

1318. *Chairman.*] What is the remedy you would suggest for that?—I should suggest that an appeal should only be granted on the oath of the party that he is aggrieved, and he should be obliged to lodge the amount of the decree and double costs in my hands, or in the hands of the sheriff.

1319. If the appeal were given to the assistant barrister at quarter sessions instead of to the judge at the assizes, do you think that would be an improvement?—Yes; it would cost much less.

1320. Mr. *Lucas.*] Your opinion then is that if those remedies are applied to prevent the abuse of the power of appeal, that power will be beneficial?—I have not the slightest doubt of it, nor have I a doubt upon my own mind that if the manor courts were done away with, the legislature ought to establish local courts for the recovery of small debts in the place of them.

1321. You think the distance from certain districts to the quarter sessions town, in point of time, and in point of locality, is too great?—Yes.

1322. So that courts of limited jurisdiction of most ready access should exist?—Certainly.

1323. Mr. *Vesey.*] Do you think the decision in cases of wages in well-regulated manor courts give more satisfaction than in the sessions courts?—I do, for the

the reason I have already given, that the parties can address persons in their own language who are conversant with their usages.

1324. Mr. *Lucas.*] Does your opinion that these courts are more satisfactory to the people rest entirely upon the circumstance of their being able to speak their native language there, or do you think it applies to them generally for other reasons?—For various reasons; they cannot recover any debt for servants' wages at other courts. I formed my opinion upon my own experience, and I speak also from the great increase of those cases since I came.

1325. Mr. *Bridgman.*] Do you not think it would be a correct thing to take away the power of appeal with the present seneschals?—Yes, I never would take away the power of appeal under proper regulations. I only wish to have it properly regulated.

1326. Then, would it not be a correct thing to compel the party appearing to lodge the money, under the present state of things?—I am speaking with reference to the improvements contemplated for the better regulation of manor courts in Ireland. I would not take away the power of appeal or any other power of getting away from the present seneschals.

1327. *Chairman.*] In the answer you gave you contemplated the purfication of those courts by the establishment of a better class of seneschals?—Unquestionably; I look forward to that with pleasure and gratification.

1328. Mr. *Vesey.*] When you state that a person to be appointed seneschal ought to have acted as a magistrate, do you think you would be able to get a sufficient number of magistrates to act as seneschals throughout Ireland?—I think if the manor courts were now properly regulated, so as to take the rank they ought to do, you would not want a sufficient number of qualified persons to sit as seneschals.

1329. In all parts of Ireland?—Yes, I think so.

1330. Do you think if they were better regulated the increased business would amply remunerate proper seneschals?—Certainly it would. I may mention, as an instance of it, that the first month I got my court, it made 10 *l.*, the next month it made 18 *l.*, and the next month it went higher.

1331. *Chairman.*] I perceive from your book, that on the 21st of January last, you tried 20 cases, on the 9th of February 16 cases, on the 2d of March 31 cases, on the 6th of April 43 cases, and on the 27th of April 28 cases?—Yes; but the first day the processes out did not amount to more than 164, and I think I had 310 out of the last day.

1332. Then, out of 310 processes out, only 28 came to trial?—Yes.

1333. Then a great number of processes from your court are settled before the parties appear?—Yes; paid out of court.

1334. Do they pay anything for the decree?—I know nothing of that.

1335. Then the only fee paid is a shilling for the process?—It is sixpence for the process, sixpence for the service, a penny for filing, sixpence for entering, and three shillings for the trial.

1336. Mr. *Bridgman.*] How does it happen that the costs of your court are lower than in other manor courts?—I cannot say; they are fixed by the patent.

1337. Would it not be a great improvement if the costs in all the manor courts were lessened?—Indeed, I think so; I would a good deal rather the costs should be smaller. I would sooner cut down a shilling of the trial money than cut down the processes; because I think a great advantage exists in having respectable bailiffs for the court, and I should like to make their situation worth having. I would sooner cut myself down than cut down the bailiff. If I am not able to afford a sufficient salary to the bailiff, I never can get a respectable man.

1338. But do you not know that the costs in the manor courts are greater than in the sessions courts?—In many instances they are. In mine they are not, but in some courts they are as high as 8 *s.* or 10 *s.*

1339. Do you not think that your court, being a cheaper one, brings a great deal of business to it?—Certainly.

1340. Mr. *Vesey.*] In case the manor courts are done away with, you state that you think there ought to be some local courts for the recovery of small debts?—Yes; I look upon it as imperatively necessary.

1341. Then what species of courts would you recommend for the purpose; or do you think it would be possible to form a court which would give equal satisfaction?—I am quite confident, that if the seneschals could in any way be

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changed, and they are obliged to possess a qualification which would oblige the bad ones to withdraw, the manor courts would answer every purpose.

1342. Do you think if the manor courts were abolished, it would be possible to have such local courts as would give the people equal satisfaction to a well regulated manor court?—Any court of that description; but I think the best answer I could give to that would be to show that the manor courts could be made the best for the purpose, for after all it is the same thing.

1343. *Chairman.*] In your part of the country it may; but are you not aware that there are many parts of the country where there is no manorial jurisdiction, where it has been disused, or where the manor has been dissevered by sale or partition?—I am not aware of that.

1344. In case a qualification were adopted which would oblige the persons who had not that qualification to withdraw from the office of seneschal, do you think they would be entitled to compensation?—It would be a cruel thing to deprive a man of his means of living; and therefore, of course, they ought to get something; though I think a great many do not deserve it.

1345. You think where a man had allowed improper practices to exist in his court, that his claim to compensation would be very small?—Yes; but every man ought to get compensation for what he is deprived of if he is not dismissed for misconduct. The stir which this inquiry has made in Ireland has done good, for many of the seneschals have put men upon the juries of a more respectable class than were on them before.

1346. Mr. *Vesey.*] Are these courts really popular among the people?—They are.

1347. Are there any classes who are opposed to them?—Yes, the manor courts have many enemies, who I believe would destroy them without further trial or investigation. 1st. The Judges of Assize dislike them, from the frequency of appeal: this may easily be rectified by having proper seneschals, and by altering the present too great facility of appealing, which ought not to be allowed except the defendant lodged in court the amount of the decree with double costs, in case the decree was affirmed; half the appeals are made to gain time, and form no grievance as sworn to. 2d. They are disliked by barristers, particularly assistant ones; their object is plain; every process that is tried in a manor court takes away from their income. 3d. They are disliked by those who would never pay any one in any way if they could; who do not at all find it either pleasant or convenient to have their memory refreshed once a month by a process for a debt, that a poor man would sooner lose than go to a sessions about; those are a description of persons of frequent occurrence in Ireland, and I never met one of them yet that was not "quite sure that a manor ought to be abolished as a nuisance." On the contrary, the poor tradesman and labourer would tell a very different story indeed; he says, "that only for this same nuisance of a manor court, he would never get one shilling of his just and honest debt." 4th. They are not liked by attorneys; for in general they are too remote for their practice; and the fee they are allowed by the Act, only 2 *l.*, they do not think sufficient for their labour, whatever the poor client may suppose on the matter, in fact they are not known to the rich and powerful, they are not liked by the classes I have mentioned; but I never heard a shopkeeper, tradesman, servant, labourer or farmer, that did not praise their utility and convenience.

1348. *Chairman.*] If you should find on inquiry, that there are many parts of the country over which there are no manorial rights existing, and there are no manor courts held, would you not recommend that the small debt courts, similar in principle to what you recommend the manor courts should be converted into, should be established in those districts?—I have not the least doubt on earth of the utility of establishing small debt courts in each district, for the convenience of the inhabitants. If it were only for the one purpose of keeping them away from drinking at the assizes or sessions, it will be attended with good effect.

1349. You would recommend in that case, that the newly established courts should have the same powers for the recovery of small debts as the manor courts have now, and that the same security should be taken for proper judges being appointed?—Certainly.

1350. You would divide the country into districts?—Yes.

1351. And where there are places of no manorial jurisdictions you would annex them to certain manors?—Yes.

1352. Mr. *Bridgman.*] Are you aware that in Ireland a property will not sell for one shilling more in consequence of having manorial rights?—I can mention an instance to the contrary, of an estate in the county of Cork, of which the land only was sold; and when the purchaser found there were manorial rights, he went and purchased them, and was obliged to give a considerable sum. He appointed a seneschal after that. *J. B. Warren*, Esq. 9 May 1837.

1353. *Chairman.*] But in that case, was not the purchase money given to save himself from the inconvenience of having those manorial rights in the hands of another who might appoint a seneschal to administer justice over him, as much as for any other advantage?—I think he had a pride in being able to appoint a person to preside over the manor courts.

1354. Are there any rights of game connected with manorial rights?—I cannot say.

1355. In the case to which you have referred, the property over which manorial rights existed was sold as land, but in which the manorial rights were not included?—Yes.

1356. Supposing two properties adjoining each other, and that over the one manorial rights existed, but over the other, from whatever cause, they did not exist; do you think the property with manorial rights would bring a pound or a shilling more in the market than the one over which they did not exist?—Yes; I think a nobleman or gentleman purchasing property would like to purchase what he could bestow as a gift, and that he would pay for it.

1357. Then, according to the importance of the office of seneschal, it would produce a higher price?—Yes, it would make it more valuable; the higher the court is, of course the more valuable the manorial rights would be. I think there are a great many gentlemen who take a pride in it.

1358. Do you know of any instance of a property selling for a higher sum, in consequence of having manorial rights?—I do not know of any instance within my own knowledge.

Veneris, 12° die Maii, 1837.

MEMBERS PRESENT.

Mr. Bridgman.	Mr. Villiers Stuart.
Mr. M. J. O'Connell.	Mr. E. Tennent.
Mr. French.	Mr. Vesey.

MORGAN JOHN O'CONNELL, ESQ., IN THE CHAIR.

Philip Harding, Esq., called in; and Examined.

1352*. *Chairman.*] WHERE do you reside?—Near Macroom, county Cork. *P. Harding*, Esq. 12 May 1837.

1353*. Have you resided in that neighbourhood all your life?—Nearly.

1354*. Are you a magistrate of the county of Cork?—I am.

1355*. How long have you been a magistrate?—Several years.

1356*. Have you had many opportunities of becoming acquainted with the practice of manor courts in your neighbourhood?—Not many; I have had some.

1357*. With what courts?—The manor court of Macroom.

1358*. The same court with regard to which Mr. Warren gave evidence on the last day?—Yes.

1359. What has been the general impression, to your belief, of the inhabitants of the neighbourhood with regard to manor courts generally?—Very much against them, in consequence of the way in which they have been conducted.

1360. But has that impression been against the system by which manor courts have existed, or against the abuses of the system?—Against the abuses.

1361. Were these objections generally referable to the powers of the court being entrusted to improper persons?—Chiefly.

1362. Mr. *French.*] What class of persons do you allude to as having an objection to these courts?—I have heard them condemned generally by all classes, high and low, in consequence of the way in which they have been conducted.

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1363. How did it happen that the objections were made to you?—It was the subject of conversation now and again.

1364. With the gentry, or the lower orders?—With the gentry and the lower orders both.

1365. Were those conversations relating to particular decisions?—Relating to particular acts in that court.

1366. That is the Macroom court?—Yes.

1367. Confined to the Macroom court, I presume?—Confined to the Macroom court, and to another court I heard of, of which I cannot speak personally.

1368. Have you ever heard the same kind of objections made against the assistant barristers' courts?—Not latterly.

1369. *Chairman.*] Before the assistant barristers' courts were so well regulated as they have been by late Acts, were there not very often similar complaints of the proceedings in those courts?—There have been complaints, but not, I think, to the same extent.

1370. The assistant barrister is appointed by a responsible Government?—Yes.

1371. And he is always a person of legal knowledge?—He is supposed to be so.

1372. At least he is in that situation in life from which he is presumed to be so?—Yes.

1373. And he is removable from his office on complaint?—Yes, I believe so.

1374. Mr. *French.*] Have you ever known an instance of an assistant barrister being removed?—No, I have not; but I have heard of it. I believe they are removable.

1375. *Chairman.*] But the seneschal is appointed by the lord of the manor?—Yes.

1376. The lord of the manor is not responsible for an improper appointment?—I should say not.

1377. Mr. *French.*] Is not the seneschal also removable?—Only by the lord of the manor.

1378. But only one authority can remove the assistant barrister?—Yes; but that is the Government of the country.

1379. *Chairman.*] Is the Government of the country responsible for the improper conduct of the assistant barrister?—I should say so, of course.

1380. Have you not heard that charges have been made against the Government for appointing improper persons as assistant barristers?—I have lately.

1381. Mr. *French.*] The seneschal is removable by the lord of the manor?—Yes.

1382. The lord of the manor generally speaking, I may say almost universally, has a strong interest in the proper management of these courts?—I think they take but little interest in it.

1383. They ought to take an interest in it?—I think so certainly.

1384. Mr. *Vesey.*] When you say they do not take an interest in it, is that from your personal knowledge?—Yes, at Macroom, I do not think the lord of the manor cared anything about it.

1385. Has he no interest in the prosperity of the people in the neighbourhood of Macroom?—He has.

1386. Then, if he has an interest in the prosperity of the people in the neighbourhood of Macroom, do you not conceive he would take care to have a proper person appointed who would administer the law to those people?—I know that an improper person was appointed by the late lord of the manor at Macroom; I mean an unfit person.

1387-8. *Chairman.*] In what respect unfit?—Unfit by reason of his want of education, and want of attending to the propriety of the court.

1389. Do you think that the present lord of the manor at Macroom has appointed an improper person as seneschal?—Not now, certainly.

1390. Mr. *French.*] He did formerly appoint an improper person?—Yes, the present lord's father, and he continued the appointment.

1391. A person who, in your opinion, was not fit to discharge the duty?—Yes.

1392. Was not that person removed when his unfitness was discovered?—He never was removed until death removed him.

1393. Was that opinion of his unfitness confined to yourself, or was it the general opinion of the country?—It was quite general.

1394. Could you point out any particular act of his upon which you formed your opinion of his unfitness to fill the office?—He was very often asleep; he summoned

summoned persons of the very lowest description as jurors, and he allowed them to fight and squabble and did not interfere; he was walking about the court a great part of the time.

1395. Mr. *Villiers Stuart.*] At the time you speak of, was there much business in this court?—I should say not so much as now.

1396. *Chairman.*] Were suitors deterred from coming into court, on account of the bad administration of justice?—I think honest suitors were.

1397. Mr. *Villiers Stuart.*] To what court did they then have access?—The assistant barrister's court.

1398. Mr. *French.*] You say he was in the habit of falling asleep. I believe he was near 90 years old when he died?—He was very old.

1399. And he had held the situation 50 years?—Yes.

1400. Then your experience only relates to that latter portion of the time?—As far as his falling asleep goes.

1401. Since another person has been appointed, has not the business, which on account of the age and inability of that gentleman to perform his duties went to the assistant barrister's court, returned to the manor court of Macroom?—I think so.

1402. Mr. *Vesey.*] When you said the people were obliged to go to the assistant barrister's court during the time of the late seneschal, were they not put to very great inconvenience when they were so obliged to go?—Certainly; the further they went from home the greater inconvenience they were put to.

1403. Then, if the seneschal were a proper person, do you not think they would prefer going to the manor court?—Certainly.

1404. Mr. *French.*] What distance have the people to go to the assistant barrister's court?—The court is held once a year at Macroom, and the next court is at Bandon, which is 14 miles off, and the next is 30 miles.

1405. Then, except once a year, 14 miles is the shortest distance they would have to go, and occasionally they would have to go 30 miles?—Yes.

1406. Mr. *Villiers Stuart.*] Is it a very large manor?—I do not know the extent of the manor precisely, but the general reputation is that it is a large manor.

1407. Does it extend to the boundaries of the county of Kerry?—It does.

1408. So that now some individuals would have to come to the manor court 14 miles?—Yes, in one particular direction.

1409. *Chairman.*] But is the part of the country which is that distance from Macroom a thickly peopled country?—No, I should say not.

1410. Is it not a wild mountainous country and thinly peopled?—Yes.

1411. Independent of the distance which parties would have to travel to attend the sessions, do you consider that they are held sufficiently often for the purpose of a small debt tribunal?—Certainly not.

1412. How often do you think a court to be useful for the purpose for which manor courts were instituted, and when well conducted are carried on, should sit?—I think if the manor courts sit once a month, it would answer the purpose.

1413. And practically, is not that the period at which it does sit?—I believe at Macroom it sits once in three weeks.

1414. Mr. *Villiers Stuart.*] You have stated that there is a strong feeling against the manor courts; does that feeling still continue to exist in the neighbourhood of which you have been speaking?—It is somewhat altered; but it is difficult to remove that impression from the minds of the people. I have had conversations with persons who have been attending the court lately.

1415. Mr. *French.*] Is not the decision of the manor court, generally speaking, the decision of twelve respectable persons of the neighbourhood, who have a personal knowledge of the characters of the plaintiff and defendant, upon oath?—The decisions latterly have been of respectable farmers, since Mr. Warren got the manor court of Macroom; but previous to that they were men of very indifferent character, generally speaking.

1416. Do you not think that, with proper jurymen, it is a species of court which would be apt to give satisfaction to the people?—With proper jurymen and a proper seneschal, it would give satisfaction in my opinion.

1417. Mr. *Vesey.*] And be much more popular with the people than having to go to the sessions court?—I think so.

1418. Mr. *Villiers Stuart.*] You stated that the bad feeling there is against the existence of manor courts is not entirely removed?—It is not.

1419. Do you think that arises from the change in the administration of justice

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in the Macroom court not having been continued long enough; or that the court is not yet conducted entirely as it should be?—I should say, by no means from the latter cause, but from the alteration not having been sufficiently known.

1420. Mr. *Vesey.*] Do you think all the suitors who have been in the court have been very well satisfied with it?—I do, latterly.

1421. Mr. *Villiers Stuart.*] How long is it since that change has taken place in the administration of justice?—I think it is somewhere about three months.

1422. Since the appointment of the new seneschal?—Yes, since the appointment of Mr. Warren.

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1423. *Chairman.*] I BELIEVE you employ a great number of people?—I do.

1424. Is there not a great deal of business done in the manor court by persons in your employ, in the way of settling their disputes?—I cannot undertake to say that.

1425. Are you in the habit of doing any business in the manor court yourself?—Never, certainly previous to Mr. Warren's appointment.

1426. Since Mr. Warren's appointment?—I believe some of my men have been there in my name occasionally.

1427. Is it then a convenience to you to be able to have these disputes arranged in the course of an hour or two, instead of being obliged to send fourteen or fifteen miles?—Certainly.

1428. Mr. *Villiers Stuart.*] What is the nature of the disputes you speak of?—Recovering small debts.

1429. Mr. *Vesey.*] During the time of the previous seneschal, did you ever know that any particular decisions grossly unjust were made in that manor court?—I have heard of an instance where an attorney got up and spoke to the foreman of the jury by name, and said "in this case a decree, do not forget in the next to dismiss."

1430. Have you ever known of more than one instance occurring?—I have heard them generally spoken of; it was so notorious, that the matter was quite public, that everything was ill conducted there.

1431. *Chairman.*] You are aware that there is an appeal to the judge of assize from the decisions of this court?—Yes.

1432. Was there in the cases to which you allude, in either of those cases where the attorney addressed the foreman of the jury in open court, was there an appeal?—I do not know whether there was or not; I merely heard it in conversation with another gentleman.

1433. Then you cannot say of your own knowledge that the report even was a correct one?—I believe it was; for the gentleman is a man of character.

1434. But you cannot say so from your own knowledge?—No.

1435. Do you not think it would be a very likely case to be appealed from, if the information you got was correct?—I should say a man ought to appeal in such a case.

1436. Mr. *Villiers Stuart.*] Might it not happen that the distance was so great to which the person would have to go for redress to the judge of assize, that he would prefer paying the debt and costs than making such an application?—It has been often done in my opinion.

1437. What is the distance from Macroom to Cork?—Twenty-four English, eighteen Irish miles.

1438. Then the distance is not so great from Macroom to Cork as to prevent a person who felt himself greatly aggrieved from appealing to the judge of assize?—Certainly not; but I should say, that would depend upon the amount he had to recover upon. If it was a small debt he would sooner pay it than incur the expense of an assize town.

1439. Are you aware whether the business has increased very much since the appointment of the new seneschal?—I have heard so.

1440. *Chairman.*] You have turned your attention to these courts?—Certainly.

1441. Will you be good enough to point out what you consider to be the defects in these courts?—The appointment by the lords of the manor, in the first instance, of improper persons; consequently their abusing their situation, and selecting improper jurors.

1442. Mr. *Vesey.*] When you say the appointment of improper persons, do you mean persons not properly qualified; or will you define what you mean by improper persons?—

persons?—Persons unqualified by want of education principally, and want of property.

1443. *Chairman.*] Do you think there ought to be a property qualification?—I do.

1444. What would you think it necessary to have as a qualification?—I think the qualification that was necessary to enable a magistrate to sit upon road sessions.

1445. You think a seneschal should be required to possess landed property to the amount of 300 *l.* a year?—Indeed I do.

1446. Mr. *Vesey.*] Do you think the seneschal ought to be a professional person?—I certainly would say so, if a proper professional person; I do not by any means mean an attorney, but if a barrister could be induced to attend.

1447. Do you not think a person who is competent to act as a magistrate is perfectly fit to be a seneschal?—Certainly; and I should say where a magistrate is competent to decide upon 6 *l.* wages cases, he would be competent to decide on 40 *s.* debts.

1448. Or a person who acts as agent for property?—Yes.

1449. Mr. *Villiers Stuart.*] With the assistance of a jury?—Yes.

1450. Do you think it advisable that lords of manors, who are not responsible persons, should have the appointment of these seneschals at all?—I would prefer that it was in the Government, certainly.

1451. Mr. *Vesey.*] Do you not think the lords of manors have generally an interest in the welfare of the people who reside on their manors?—I think they ought to have.

1452. And therefore having that interest, do you not think they would take care that proper persons were selected, generally speaking?—The inference one would draw certainly would be that they ought, but I have heard of so many improper persons being selected, that I doubt it.

1453. You say you have heard, but you do not know of your own knowledge; of your own knowledge do you know of many improper persons being appointed?—I know of another person in the county of Cork, who was at one time seneschal, who was a very improper person I should think.

1454. Mr. *Villiers Stuart.*] Does it not sometimes happen that the lord of the manor does not reside upon, and that the manor is separated from the property; that the property may be sold to another person, and the feudal right of appointing a seneschal still be retained?—Yes.

1455. So that he has no interest in the people at all?—The manor of Macroom, over which Lord Bandon has the appointment, comprises a great many denominations of land with which his Lordship has nothing to do in point of receiving rent.

1456. Do you know any case where the lord of the manor has possessed landed property in Ireland at some time, but it has been sold, and he has been living in England, retaining the right of appointing a seneschal to one of these courts?—In this very manor of Macroom the town has been sold by Lord Bandon to another person, but he retains the appointment of seneschal.

1457. Mr. *Vesey.*] Is the town of Macroom completely detached from his property?—His property is about it in some places.

1458. His property lies all about it, and therefore the people who attend these courts are principally from his property; is that the case?—They are not principally from his property; the land is not in one hand, but in two or three.

1459. But is not the greater part of the manor the property of Lord Bandon?—No, it is not.

1460. *Chairman.*] What improvements, in considering the subject, have struck you as desirable to be made in the construction of these courts?—My opinion would be, that some responsible persons (I think the Government of the country) should have the appointment of the seneschals, or, if they had not the appointment, that the lords of the manors should be compelled to select persons of property and education to preside over them; but I should prefer to have it in the Government.

1461. Mr. *Vesey.*] Is there not some check over the seneschals?—Not that I know of.

1462. Are you not aware that they lodge security?—I never heard of it.

1463. *Chairman.*] Would you consider that rendering the approval of the Government necessary after the appointment by the lord of the manor, would be a sufficient check?—Yes.

1464. Mr. *Vesey.*] Or do you not think the requiring the qualification would be a sufficient check?—I should prefer the former.

 1465. *Chairman.*]

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1465. *Chairman.*] The jurors, I believe, in manor courts, are the same number as in other courts?—Yes, twelve.

1466. Do you think that a good number?—I am not for changing the old constitutional law upon that point.

1467. Do you think any qualification for a juryman ought to be established?—I should say a great deal of that must depend upon the seneschal; I think the whole system depends upon having a proper seneschal appointed.

1468. Do you mean you would give the seneschal the full power of selecting the jurymen?—I think if he were to take them from the county jury list it would be better.

1469. *Chairman.*] Would you have any qualification in the jurors themselves, such as being able to read and write?—Certainly.

1470. How are the jurors at present selected by the seneschal?—The present seneschal I am acquainted with selects them from the farmers round about.

1471. At his own pleasure?—Yes.

1472. Does he summon more than twelve?—Generally twenty, or eighteen, I think.

1473. And out of the number summoned, how are twelve chosen?—They are chosen as they answer.

1474. According to the list?—Yes.

1475. Would you propose any alteration in that, such as having them chosen by lot or by ballot?—I think the ballot would be an improvement.

1476. Mr. *Vesey.*] Did you often attend the manor court during the time of the previous seneschal?—Not often; I attended it two or three times, and was so disgusted at the way in which it was carried on that I did not go again.

1477. During the time the jury were deliberating, did the court, or any persons present in the court, interfere with their deliberations?—There were generally conversations going on, and a noise about, as if there was no such thing as a court of justice at all.

1478. Did the seneschal address the jury at all before they retired?—I never heard him.

1479. Did the jury retire to deliberate after each case separately?—They were sitting in the court mixing with the people, and they were talking to each other; they did not retire to a private room.

1480. In fact, there was a general confusion in the court?—Yes.

1481. What kind of persons generally constituted the juries in these courts?—They were men of inferior character generally.

1482. And being men of that character, their decisions gave no satisfaction to the public?—They did not.

1483. Do you think the character of the seneschal is the chief cause of dissatisfaction in these courts?—Generally the seneschal's want of attention in selecting the juries.

1484. Mr. *Villiers Stuart.*] Since the change of seneschal, have you taken an opportunity of visiting this court, so as to judge of how it at present works?—I have once only.

1485. Can you form an opinion as to whether the jurymen are now of a more respectable class than they were?—I think so; they were in a jury-box to themselves, and appeared to me to be of a better description of farmers than the seneschal had there formerly.

1486. And the court appeared to be conducted in a proper manner?—Much better.

1487. Have you had any opportunity of knowing what the feeling of the class who are summoned as jurymen now is; whether they consider the benefits arising from the court are sufficient to make up for the trouble they have in attending?—I have had no conversation with them upon the subject; I never heard them express any feeling as to the hardship of being summoned.

1488. Do you know if there is any difficulty in getting jurymen to attend at present?—I am not aware.

1489. Mr. *Vesey.*] Were there many appeals from the court during the time of the late seneschal?—A great many I have heard.

1490. Have you any means of knowing how these appeals were decided; whether they were generally against the decisions of the manor courts, or not?—I have not.

1491. Mr.

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1491. Mr. *Villiers Stuart.*] The jurisdiction of the manor court of Macroom extends only to forty shillings?—Forty shillings.

1492. Is it your opinion that sum is sufficiently large, or that it ought to be raised?—I should wish it to be raised to 5 *l.*, always bearing in mind that the court is well conducted.

1493. Have you had an opportunity of knowing whether that is the feeling among the class of suitors attending that court?—Yes; I have heard them say so.

1494. That would lead you to suppose they have confidence in the manner in which it is now conducted if they have a proper seneschal?—Yes.

1495. Then your opinion is, that the court as at present conducted is a benefit to the country?—Yes.

1496. Then, if that court were done away with, it would be necessary for the convenience of the public that some other court should be established?—Certainly.

1497. Mr. *Vesey.*] In fact, if the manor courts generally were constituted as the present court at Macroom is, do you think they would be a great benefit to the people?—Certainly.

1498. Mr. *Villiers Stuart.*] Are you acquainted with any other manor courts in this district?—No, I am not; the one at Macroom embraces a considerable district.

1499. Mr. *Vesey.*] During the time of the former seneschal, do you conceive that the poorer classes were much oppressed by the shopkeepers in these manor courts?—I have heard that the seneschal was in the habit of settling with some of them by the year for his fees.

1500. Do you know of any cases where the shopkeepers, or the more wealthy class, oppressed the poorer class in consequence of the decisions in the manor courts during the time of the previous seneschal?—In that way; I have heard that some shopkeepers did make a bargain with the seneschal by the year for his fees, and then they charged the persons they sued the full costs.

1501. *Chairman.*] There would be a species of fraud and oppression in that?—Yes.

1502. And there would also be the addition that shopkeepers could bring as many actions in the court as they pleased, without going on with them?—Exactly.

1503. Do you think that the facility of allowing shop-keepers to make bargains of that kind, was entirely to be attributed to the seneschal himself, and not to the system?—Certainly.

1504. Mr. *Villiers Stuart.*] Do you attend any petty sessions in your capacity as magistrate within the district of this manor court?—I attend the one at Macroom.

1505. Are there any cases of disputed wages brought before you as a magistrate at petty sessions?—A great many.

1506. Do you think the number is lessened since the manor court was remodelled by the appointment of the present seneschal?—I have not perceived it.

1507. They do entertain wages' cases at the manor court?—Yes, I believe so.

1508. You have no opportunity of judging whether the people prefer going to the manor court, where there is a jury, for the settlement of wages' cases, or to the petty sessions, where they have only the assistance of two magistrates?—I have not perceived any falling off since the improvement of the manor court, in the number of suitors of the court for wages at petty sessions.

1509. How often do you hold the court?—Once a fortnight.

1510. Mr. *French.*] Have you many cases of wages at the petty sessions?—A great many.

1511. The expense of recovering wages at the petty sessions is very trifling?—Very.

1512. That would be an inducement for the people to prefer the petty sessions to the manor court?—I should think so.

1513. And, generally speaking, the decisions of the magistrates give satisfaction?—There are very few appeals from them.

1514. Mr. *Villiers Stuart.*] What will be the expense of parties applying in a case of wages at the manor court?—I am not aware, but I have heard it is somewhere about 5 *s.*

1515. *Chairman.*] When you say 5 *s.*, you include everything?—Yes.

1516. What is the expense at the petty sessions?—One shilling and sixpence.

1517. Decree and all?—Yes.

1518. Will

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1518. Will you mention the items?—Sixpence for the summons and one shilling for the conviction.

1519. Do they charge for the warrant?—I believe 1 *s.* 6 *d.* is the whole charge.

1520. Mr. *Villiers Stuart.*] Have you ever considered whether it would be an advantage to the public, that magistrates should have the power of entertaining cases of debt as far as 40 *s.* at the petty sessions?—Generally speaking, I do not wish the magistrates to have it without a jury.

1521. *Chairman.*] There may be some reason for giving magistrates a power to decree wages, as they have the power to compel servants to perform their work; but do you think that should be carried on to allow magistrates to interfere between parties in cases of debt?—I should rather not.

1522. If I have judged rightly from your examination, you admit the advantage of having well-regulated courts of limited jurisdiction?—Yes.

1523. And you think the system of manor courts, with proper checks, would be advantageous to the people?—Certainly.

1524. You have stated what you consider to be a qualification for a seneschal?—Yes.

1525. Is there anything else you would wish to suggest in relation to these courts?—It has occurred to me that it would be a good thing to have these manor courts divided according to the baronies.

1526. But where the limits of the manor and the limits of the barony differ, how would you arrange then?—It would be difficult, except that an Act of Parliament could do it.

1527. Then, if I understand you rightly, in place of the manor courts you would establish baronial courts?—I would.

1528. In whom would you vest the nomination of the officers to be placed over these baronial courts?—I would put it into the hands of the Government.

1529. No person could have a claim to appoint if it were a baronial court except the Government, unless in a case where the whole barony was within the jurisdiction of a manor?—Certainly.

1530. Mr. *Villiers Stuart.*] Do you think there would be sufficient business in the baronial court to pay a proper person for acting as seneschal?—I think there would. I think one man might have two baronies.

1531. I believe there are many districts in Ireland where there are no small debt courts at all?—I believe so; I have heard so.

1532. *Chairman.*] The appeal from the manor courts, at present, is to the judge of assize?—Yes; and I would suggest that the appeal should be to the assistant barrister, and not to the judge of assize.

1533. The appeal from the magistrates' court, at present, is to the assistant barrister?—Yes.

1534. And you would put the seneschal's court upon the same footing?—I would, in preference to an appeal from the magistrates' court being to the assistant barrister, because sometimes it is only an appeal to themselves; and appeals would be more frequent and more convenient if persons could appeal to the quarter sessions.

1535. Mr. *Vesey.*] But you would not give too great a facility to appeal?—No; I think where a man appeals, he should give security for the payment of the debt.

1536. Mr. *Villiers Stuart.*] Do you think the costs of the court of Macroom are as low as they might be, or that they might be lower?—I think they ought to be lower.

1537. What costs do you particularly find fault with?—I do not know the precise mode in which the costs are made up, but I should say that for the recovery of 40 *s.*, 2 *s.* 6 *d.* would be quite sufficient. You can recover 20 *l.* before the assistant barrister for 8 *s.* or 10 *s.*

1538. *Chairman.*] But it would cost you the same sum to recover 1 *l.*?—Yes.

1539. Or any sum within the jurisdiction?—Yes; but the object of bringing these courts home, and the facility of recovery, would be much more attained by making them cheaper.

1540. Do you think it would be possible with so small a limit as 40 *s.* to have an ascending scale of costs?—No.

1541. Mr. *Villiers Stuart.*] How would you alter the costs; would you reduce the seneschal's fee, or the officer's fee?—To the public it would be quite immaterial.

1542. But with a view to the good of the court?—I would rather reduce the seneschal's fees, and allow him and his officer to settle as they please.

1543. Mr.

1543. Mr. *Vesey.*] If you reduce the fees generally, do you think there would be more suitors in the court?—Certainly. *P. Harding*, Es

1544. And, in fact, though the seneschal's fees were reduced there would not be a loss to him?—I think, to use a common phrase, it would bring more business to the court. 12 May 1837.

1545. Do you think he would be a loser by it?—I really think not.

1546. Do you not think at present the emoluments of the seneschal are quite low enough, with a view to induce proper persons to fill the office, and to compensate them for their time?—I think they are low enough for proper persons, but if you had more business by reducing the fees, that would not lower them. I think the increase of business would be in proportion.

1547. *Chairman.*] Then you would be obliged to increase the jurisdiction of the seneschal, for if you reduce the fees much, you could hardly expect an increase of business if it were limited to 40 *s.*?—No; I said I thought it would be advantageous to extend it to 5 *l.*

1548. Mr. *Villiers Stuart.*] Are you aware that some of the manor courts have a jurisdiction to any amount?—I have heard so.

1549. Do you think that is an advantage to the public?—It is too high, I think, except there be a legal person to preside.

1550. Your opinion is, that it should not go higher than 5 *l.* in the manor courts?—Certainly.

Jovis, 18° *die Maii*, 1837.

MEMBERS PRESENT.

Mr. Bridgman.	Mr. Lucas.
Mr. M. J. O'Connell.	Mr. Villiers Stuart.
Mr. Hamilton.	Mr. Vesey.
Mr. Jephson.	

M. J. O'CONNELL, ESQ., IN THE CHAIR.

Henry Cole, Esq., called in; and Examined.

1551. *Chairman.*] YOU are a barrister?—I am. *Henry Cole*, Esq

1552. Of what manor are you seneschal?—I am seneschal of the manor called the manor of Grangegorman in the county of Dublin; I am also seneschal of the manor of Kingstown; I am also seneschal of the manor of St. Mary's Abbey. 18 May 1837.

1553. Who are the lords of those respective manors?—The lords of the manor of Grangegorman are the Dean and Chapter of Christ Church; the lords of the manor of Kingstown are Lord De Vesci and Lord Longford, and of the other, Lady Harriet D'Orsay of the Blessington Estate; I have deputations from each; I have a letter from the Dean of Christ Church, who is Bishop of Kildare: in each of those places my appointments are for life, *quamdiu bene se gesserit.*

1554. Are you aware, putting the hypothetical case of your not performing that condition, how you would be dismissed?—I should think the patrons would have the power of bringing me to an account for my conduct, and of dismissing me, analogous to the case of the judges upon the representation of the Houses of Parliament; upon petition from them probably the King would dismiss.

1555. Mr. *Hamilton.*] You conceive that the lords of the manor have the absolute power of dismissing?—I conceive so; for the first 10 years I held my office *quamdiu bene placito.*

1556. Mr. *Villiers Stuart.*] Have you a copy of the deputation?—I have the actual deputation; this is the appointment by the Dean and Chapter as seneschal of Grangegorman [*producing the same*].

1557. It appears by this charter that you hold this office during good behaviour; does the charter itself contain any restriction upon the lords of the manor?—I will explain that; I understand that most of the other charters, at least the charters of the other seneschals of the manors adjoining Dublin, are more clearly defined, and less depending upon immemorial usage than mine;

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the original charter is not probably to be found in Ireland; it was derived from the ecclesiastical powers of former days, before the Reformation; the only patents we can lay our hands upon at present, are those of James 1, reciting the charters of Henry 8, at the time of the Reformation, and of Edward 6, and of Philip and Mary; the charter of Henry 8 recites, that there was an abbey called the Abbey of the Prior and Convent of the Cathedral of the Holy Trinity of Dublin, and it changes the name and title of the Prior and Convent to the Dean and Chapter of the Holy Trinity, Dublin, which is now called Christ Church; the charter is very full with respect to the power granted to the deans and sub-deans; with respect to the subject matter now before us, it made them capable of receiving lands, empowered them to be a body corporate, and it also gave a grant to the said Dean and Chapter of all the lands, manors, rights spiritual and temporal, &c. which had belonged to the late Prior in right of the said cathedral church; the exercise, therefore, of the manorial rights, is depending upon immemorial usage, for the local grants from the Pope probably are not now to be found in Ireland, at least I could not obtain them from the archives of the Dean and Chapter; perhaps they may be found at Rome; and therefore I exercised my powers according to the usage of my predecessors, handed down by continued usage and records, and various other documents to which I had access; therefore I consider that the powers I exercise are depending entirely on immemorial usage and the practice of my predecessors, and from the time I came possessed of this office, I have never gone beyond what I consider the practice of the gentlemen who held the office before me; the manor of Grangegorman is therefore depending in that way. It is supposed to be of great extent in point of jurisdiction; Whitelaw, in a note with respect to the county of Dublin and the city of Dublin, goes so far as to say that the manor of Grangegorman extended from Dublin to Drogheda on the one hand, and from Dublin to Bray on the other.

1558. Mr. *Hamilton.*] When you say that it is supposed to extend to a considerable distance, is it to be understood that the boundaries are not defined?—The boundaries are not defined.

1559. Mr. *Villiers Stuart.*] Are the Committee to understand that the charter which established this manor, also established, on the breaking up of that convent, the corporation of the dean and chapter of Christchurch?—It converted it into a dean and chapter, and gave it different powers.

1560. That charter was issued for the purpose of establishing the corporation of this church?—Yes, and for other purposes.

1561. Mr. *Hamilton.*] And it transferred with the ecclesiastical establishment the rights and privileges of the manorial courts from the one to the other?—Precisely, continuing the same as they held all the lordships, manors, lands, &c., which did belong to the late manor in right of the said cathedral church.

1562. Mr. *Vesey.*] You said that the jurisdiction of Grangegorman extended from Dublin to Drogheda on the one side, and from Dublin to Bray on the other, do you exercise the right of jurisdiction over all that district?—No, I do not; I have given strict orders to my register not to issue any summons unless into those places where summonses have been already issued by my predecessors.

1563. Practically, what is the extent of your jurisdiction?—It covers part of three baronies, lying in the county of Dublin; Coolock, Rathdown and part of Castlenock.

1564. Mr. *Hamilton.*] Does it extend into the barony of Nethercross, which comes close to Grangegorman?—No.

1565. Does it extend into the barony of Newcastle?—No, it does not; I desired the register never to encroach upon any other manor; but there are nine baronies in the county, and there are four of them without manor courts.

1566. Does it extend into the city of Dublin?—I am now upon Grangegorman; I do not exercise any power whatever in the city of Dublin with respect to Grangegorman, except where St. Mary's Abbey is in the city.

1567. Or in the liberties?—In the liberties I do, for the charters refer to the liberties of the city.

1568. Do you exercise jurisdiction in the barony of Donore and St. Sepulchre?—No.

1569. *Chairman.*] Is there any other manor court in Coolock except yours?—Yes, I believe there is; Swords is a manor court, but I do not intrude into that manor.

1570. Then

1570. Then your court does not extend over the whole barony of Coolock?—Not the whole of it.

1571. Mr. *Hamilton.*] You are aware that Swords is a subordinate manor court?—If I am to take it from the generally received opinion, Grangegorman was, in all probability, a superior court to all the other courts, and the others had subordinate or concurrent jurisdiction to a certain limited extent. We are very much in the dark from the want of those original grants in former days; therefore, I must admit that the boundaries are not so accurately defined as I would wish them to be, and that can only be corrrected probably by review, or by a new arrangement with respect to the division of the county, if the Parliament should be pleased to continue the manor courts, to divide the county into manors, or to substitute the power of the chairman for that of the manor courts.

1572. Mr. *Jephson.*] Was there anything peculiar in the tenure of land in the county of Dublin, as connected with the See of Dublin, that gave different boundaries to the manors?—The See of Dublin is excluded altogether in this charter, expressly, from interfering with the lands and hereditaments of the dean and chapter of Christ Church, and it does not interfere.

1573. *Chairman.*] You have mentioned that the charter of James recites previous charters; does it by express words contained in itself, give the power of holding courts, or is that power merely given inferentially from the previous practice?—It is given with reference to the previous rights.

1574. There is no specific mention of holding courts in that charter?—No; there is nothing beyond referring to the former rights, jurisdictions and privileges.

1575. Does the district in which you now exercise the jurisdiction of your court lie altogether, or is it in detached portions?—In drawing a map of it I could define it on the north side of Dublin and on the south side of Dublin, and the city of Dublin intervenes.

1576. You have a district to the north of the city of Dublin?—Yes.

1577. And immediately to the south of the city of Dublin?—Yes, and intervening, the court of conscience.

1578. What would be the shortest distance from any part of your northern division to any part of the southern division?—From Mountjoy-square or Britonstreet to Merrion about three miles.

1579. Mr. *Hamilton.*] Over what part of Rathdown and over what part of Coolock do you exercise jurisdiction?—I cannot give the boundaries; but the practice rests in the office of the register, who has the boundaries, from the usage of my predecessors, derived from the different marshals.

1580. Is the boundary that you state to be established by usage, limited by townlands or by parishes, or is it an imaginary boundary?—It is in the recollection of the marshal; it is known to him.

1581. *Chairman.*] Supposing the marshal were to die and a new one appointed?—The summonses would then be referred to, for the originals are in our custody.

1582. If there happened to be a part of the district, the inhabitants of which for 20 years back had been rather sluggish upon the subject of litigation, they would probably in that case lose the benefit of your court?—Certainly; and that is the difficulty I labour under, that I have no defined boundary, and I can only draw it from the usage of my predecessors.

1583. Mr. *Jephson.*] Are there any portions of any other manors included in your manor?—There are some insulated portions of other manors which are included. I consider Kingstown to be part of Grangegorman. When I came into office I did consider that Grangegorman included a great many smaller manors; and with reference to Kingstown, I was told that that was a manor that was likely to dispute my authority. My predecessor sat near Kingstown, extending his jurisdiction into it; my predecessor sat at the Rock and issued summonses into Kingstown. In order, therefore, to avoid any unpleasant collision, I thought it more advisable, where there was a disputed manor on which there was any question likely to arise, to go to the lord of the manor or to his agent, and inquire whether there was a clear and defined jurisdiction that was likely to clash with my own, for I considered my own to be paramount to several, and that the other jurisdictions might be either concurrent or subordinate, and that it did not prevent my exercising what my predecessor exercised. For instance, I went to the agent of Lord Longford and Lord de Vesci, and he showed me their charter, which satisfied me that the boundary over which I had exercised a juris-

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diction might also be subject to the jurisdiction of another, and I thought therefore that the best way to reconcile all matters, was to obtain a deputation for those manors, and accordingly Lord de Vesci and Lord Longford were kind enough to appoint me to the manor of Kingstown.

1584. When were you appointed to that manor?—About two years ago.

1585. That is, merely temporarily getting rid of the difficulty?—Yes.

1586. Mr. *Villiers Stuart.*] Do you think it is possible that the rights of the lord of one manor could be included in the rights of the lord of another manor?—My reason for thinking so is, that the spiritualities of the dean and chapter of Christ Church covered the manorial territories of another power, and the original grant of James 1st, alluding to Henry 8th and to others, gave a manor as extending over the lordships and lands and hereditaments, spiritual as well as temporal; and probably my predecessors conceived that they had a right over every place in which the dean and chapter had any lands or hereditaments, and in order to set the question at rest I took a grant from them, and I exercise what I conceive to be a concurrent jurisdiction.

1587. *Chairman.*] Are the boundaries of Kingstown manor well defined?—Very distinctly defined by acres and by townlands.

1588. Is it an extensive manor?—It covers about 600 or 700 acres, including the town of Kingstown.

1589. So that, supposing your jurisdiction, as seneschal of Grangegorman, not to over-ride the jurisdiction of Kingstown, there could be no inconvenience hereafter resulting from the want of knowledge of the boundary?—None whatever.

1590. Mr. *Villiers Stuart.*] Are the boundaries of the Kingstown manor laid down in the charter?—They are laid down in the family charter.

1591. Is that a charter of James?—No, their title is derived from some forfeited lands.

1592. What is the date of the charter of the Kingstown manor?—It is a very ancient deed; it recites the estate to have descended from several persons. By a forfeiture it came into certain families, and by intermarriage with co-heiresses it came into the present proprietors.

1593. What was the date of the forfeiture?—I do not know.

1594. Was it prior to the time when Henry the 8th broke up the convent of Christ Church?—It was considerably later than that.

1595. *Chairman.*] Is their no charter extant?—There is; the charters are all in the Rolls-office. I was satisfied upon going to the Rolls with finding that there is a recital of the manor of Kingstown precisely as I found it in the conveyance to the Longford family and the De Vesci family. The other manor I mentioned is also disputed.

1596. Mr. *Villiers Stuart.*] The manor of Kingstown is an undivided manor, and there are two lords of the manor?—Yes; I cannot say whether they are joint tenants or tenants in common, but they appoint the same agent, who collects the rents for both, and the leases are made jointly. It is a very rising town. I have held the court there now about two years, and I have transferred it into the town for the convenience of the townsmen.

1597. *Chairman.*] Had your predecessors been in the habit of exercising jurisdiction within the manor of Kingstown?—I have understood so.

1598. Does not that appear to have been an act of usurpation on their part?—If I am to credit report, founded upon the opinion of all the respectable evidence that I could collect, the manor of Grangegorman would appear to me to have extended over a considerable portion of the county of Dublin.

1599. The question is with reference to the manor of Kingstown, where there was a separate and peculiar jurisdiction?—I cannot say that it was separate and peculiar. It may have been concurrent, it may have been subordinate, or it may have been exclusive; but depending, as I did, upon the evidence of others and upon the practice of my predecessors, I followed that, and I had the approbation of the dean and chapter of Christ Church in so doing.

1600. Although you have avoided the difficulty for the present, supposing hereafter two different persons were appointed to succeed you as seneschals to the different manors, the old doubt might again be raised?—It might.

1601. Mr. *Jephson.*] Previous to the Reformation did any large portion of the county of Dublin belong either to the dean and chapter of Christ Church or to the archbishop of the diocese?—Before the Reformation, it appears from the charter that a large portion belonged to the prior of the convent of the Holy Trinity.

1602. Is

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1602. Is the tenure of land in the county of Dublin connected with any ecclesiastical body?—It must have been, from the possessions of the dean and chapter at present, which cover a great many of the lands upon which a chiefry is paid.

1603. Mr. *Hamilton*.] Are you not aware that with respect to the barony of Coolock, which forms the principal part of your jurisdiction, a great part of it belongs either to the St. Lawrence or to the Talbot family, and has belonged to them almost from time immemorial, long before the Reformation?—Yes, they have manors. Malahide has a manor court, and I did not intrude into that. I find that Clontarf asserts a manor, and probably Howth; but they have submitted to the usage; and Lord Howth himself has been a plaintiff and defendant in my court without ever objecting.

1604. A great part then of the barony of Coolock could not have belonged to the ecclesiastical establishments connected with your manor?—I cannot say that they may not have chiefries in it, and grants of spiritualities, for Coolock is mentioned in the very charter.

1605. *Chairman*.] Is there any chief rent paid to the dean and chapter, or to any other ecclesiastical body, from all the lands over which you exercise practical jurisdiction?—I cannot say; when I got the grant of Grangegorman, I immediately resorted to the practice of my predecessors, having a guide also in the chiefries and the boundaries of the different livings and advowsons.

1606. You have stated that the old charters in which the original jurisdiction is contained are all lost; are you aware whether, within any certain period, any authentic copies of those charters were in existence?—I cannot say.

1607. Are you aware for how long a time your predecessors in office have been obliged to trust to tradition for the limits of your court?—I can trace the jurisdiction of my predecessors 70 years back.

1608. At the commencement of that period of 70 years, had the seneschal just the same guide to his proceedings as you have now?—I presume, no other.

1609. So that, if it should have happened that there had been an act of usurpation committed by the seneschal at that period, 70 years ago, and that he carried the process of this court into places over which the jurisdiction did not properly extend, and if that had been continued down to this day, you would, of course, feel bound to follow that practice of the court?—I would follow it, although there might have been usurpation, unless I found the usurpation clearly defined.

1610. With regard to the manor of St. Mary's Abbey, is that a well-defined manor?—It is.

1611. Is it in the county or the city of Dublin?—It is in both.

1612. It extends into the county of Dublin, on the north side?—It does.

1613. Does not it, in that part, bound the manor of Grangegorman?—I consider that, so far as the county is concerned, it ought to have been a part of the manor of Grangegorman, and I consider Kingstown formerly to have been a part subordinate or concurrent to Grangegorman; I consider St. Mary's Abbey to be in the same way with respect to Grangegorman, and therefore I obtained a grant of that manor.

1614. Have you reason to apprehend any confusion arising in the case of St. Mary's Abbey similar to that to which you have alluded in the case of Kingstown?—There might have been a dispute if I had not settled it by taking a grant of that manor.

1615. When did you take the grant of St. Mary's Abbey?—Last year, when I first discovered it, when I found it rumoured that the place I was sitting in was in the manor of St. Mary's Abbey; an action was brought against me by Mr. Jones, the old patentee of the theatre; he lived in the manor, and it so happened that he was the first victim of the Act of Parliament that enabled the manor courts to send persons taken into custody to the county and city gaols. I did not know he was the person, but it so happened that he was taken into custody for a small sum, and he brought an action against me, intending to dispute my power, as seneschal of Grangegorman, over him, living, as he contended, in St. Mary's Abbey; the action was commenced, the pleadings and everything were prepared as usual, the case was set down for trial, and the night before the trial he withdrew his action.

1616. Then not only your predecessors but you yourself were in the habit of exercising jurisdiction within that manor where you have now reason to conceive there might be some doubt as to your having jurisdiction?—Yes.

 1617. When

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1617. When Mr. Jones withdrew the action, did he do so, acknowledging your right to hold the manor or leaving that still in doubt?—I do not know his motive for it, but his advisers, who certainly were powerful men, withdrew, from what motive I could never tell, and put me to the cost of 60*l.*, which my patron immediately paid.

1618. Mr. *Vesey.*] Is it your opinion that they withdrew, fearing the failure of the suit?—I cannot tell; I was unwilling to hold any communication whatever with them after placing me in such a state of hostility, and putting me to such a cost.

1619. Mr. *Villiers Stuart.*] Have you since that summoned him as seneschal of Grangegorman?—Yes.

1620. Has he attended?—I do not know whether he has attended, but I believe decrees have been issued against him; for I was determined not to yield what my patron conceived he had a right to give me.

1621. *Chairman.*] When you sit in Grangegorman and exercise jurisdiction over St. Mary's Abbey, do you sit on the same day and in the same court as seneschal of both manors?—Yes.

1622. Do you try cases from both manors by the same jury?—Yes.

1623. Do not you conceive that you are just as liable to any confusion and doubt that may arise in consequence of that mixing of your two capacities as you were originally?—I must say it is all liable to that, and I should be very happy if it was defined and a greater degree of certainty were given.

1624. Mr. *Villiers Stuart.*] Will it not be difficult in a few years to trace the boundaries, if you are in the habit of summoning jurors from the different manors to attend the same court, and if you try cases from both manors on the same day?—The only difficulty is with respect to Grangegorman; the manors of St. Mary's Abbey and Kingstown are clearly defined.

1625. Mr. *Hamilton.*] Have you separate officers for each manor, marshals and bailiffs?—No, they are the same, and the summonses intimate that I am seneschal of those three manors.

1626. So that the summonses are issued on your collective authority?—Yes, on my collective authority, not abandoning the Grangegorman, but acknowledging all other courts.

1627. Mr. *Vesey.*] When you summon jurors for the Kingstown manor, do you take care that those jurors shall come alone from the manor of Kingstown?—On that side they are summoned from the manor of Grangegorman, but they sit in Kingstown.

1628. And in trying cases from the manor of St. Mary's Abbey, you indiscriminately summon jurors from the manor of Grangegorman and from that of St. Mary's Abbey?—Indiscriminately; when I sit on the north side of the town all the jurors come from St. Mary's Abbey and from that part of Grangegorman on that side of the town.

1629. You say that it is still doubtful whether the manor of Grangegorman has not superior jurisdiction to the other manors?—I ought not to express a doubt about it, because the charters and the practice give me, as I consider, a superior court.

1630. Do not you think that you run a certain risk in not summoning the jurors to try cases from those manors to which those cases you are about to try belong?—The question is surrounded with great difficulties, but that is my practice, that the same jury sitting at the north side in Grangegorman tries all the cases on the north side, including St. Mary's Abbey.

1631. Mr. *Villiers Stuart.*] Supposing you were to summon jurors resident in the manor of Grangegorman to the manor of Kingstown, and they were to withhold their attendance, could you punish them for so doing?—I can still assert my right to the superior court of Grangegorman, and issue my warrant accordingly to compel the attendance of the jurors.

1632. Have you ever done that?—Originally I fined a few, but from the frequency of the attendance of jurors, I have not had occasion to resort to any legal power, but I possess the legal power.

1633. Suppose, on the other hand, you were to summon from the manor of Kingstown to the manor of Grangegorman, do you think that you would be enabled to force their attendance?—I conceive I should.

1634. Under what authority?—The ancient authority having the Grangegorman court paramount to all.

1635. Grangegorman being paramount to all, do you think that will enable you to summon a resident of the manor of Grangegorman out of his manor to the manor of Kingstown?—If it covers all I have a right to do so.

1636. *Chairman.*] What are the peculiar jurisdictions of the three several courts which you hold?—They are not defined in any one of the charters, and they are left, as I consider, at the construction of the old courts, which exercised unlimited jurisdiction to a pecuniary amount, and as my predecessors had exercised that without any limitation as to pecuniary amount, I consider myself from immemorial usage entitled to do so.

1637. That refers to the manor of Grangegorman; are you able to state that unlimited jurisdiction was always exercised in the manors of Kingstown and St. Mary's Abbey?—There is no restriction in the charters, it gives manors generally, and from the practice of my predecessors, and from the opinion of the country, and from the records which I have resorted to, I have come to the conclusion that it gives a very high jurisdiction in pecuniary matters.

1638. You stated that your predecessors exercised jurisdiction to an unlimited amount; how long had the seneschalship of Kingstown been vacant before you were appointed to it?—As long as I remember there was no appointment to it.

1639. How long had the seneschalship of St. Mary's Abbey been vacant before you were appointed to it?—The same.

1640. Therefore, when you speak of your predecessors, you mean your predecessors in the manor court of Grangegorman?—Yes; which covers the whole as I conceive; I consider when a charter has no limit with respect to pecuniary amount, it is unlimited.

1641. Do you conceive that where the charter gives a grant of manors, and states that the court is to be held in and for the said manor, and there are no words more extensive than those, that those words would at common law give an unlimited jurisdiction to the court?—That is my view of it; but many charters are defined with respect to the pecuniary amount.

1642. How often do you hold your courts?—Once every week at the north side, and once every fortnight at the south side, in all 78 days in the year.

1643. In what places do you hold your courts?—I hold my court in Dorset-street, on the north side, and in Kingstown on the south side.

1644. Have you a regular court-house?—I have not.

1645. Do you always hold them in the same house in each place?—Always, from the commencement, and my predecessors held them in the same on the north side; on the south side I changed it from the Rock for the greater convenience of the people of Kingstown.

1646. Are your courts in either or both places held in inns or public-houses?—They are both held in public-houses; my predecessor held his court on the north side, in the same house; this is the vulnerable point in the exercise of my jurisdiction, and I will explain it; the court-house of the manor of Grangegorman, I understand, was under the old patrons held in the centre of the city of Dublin, in Christ Church, which I believe is in the county of Dublin; there was a court-house, and a prison called the Borredino; I believe the courts were held in the neighbourhood; it may be that in the alterations of Christ Church, it became necessary to throw down some buildings, and from that, or other causes the court-house may have been taken down, but the fact is, that at present there is no court-house or peculiar prison within the precincts. When my predecessors first began to hold courts, I suppose that from their being deprived of the ancient court, or the manor not being so valuable then or so important perhaps, the seneschals or the deputy-seneschals of the manor may have gone to places which the public would not approve of, that is, to public-houses; when I came into office I found that my predecessor the deputy, a barrister, Mr. Ball, held his court in that very house on the north side; upon Mr. Ball's death, who was deputy to Mr. Mitford, the nephew of Lord Redesdale, Mr. Mitford appointed me as his deputy; Mr. Mitford, I believe, permitted his court to be held in a public-house, Mr. Ball, his deputy, having held it there. When I became deputy to Mr. Mitford, I of course stepped into all the practices and habits of my predecessors, and I continued in that public-house where I have two rooms, the two drawing-rooms; they are spacious enough for the jury and the public; but still, I must admit, liable to the objection which the public must always entertain against such a court-house;

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I was at that time only a deputy, but shortly after Mr. Mitford resigned, and the Bishop of Kildare appointed me to be principal.

1647. You state that your predecessor was the deputy of Mr. Mitford; how long had Mr. Mitford been seneschal?—I believe from the time that Lord Redesdale was Chancellor of Ireland.

1648. Had he ever acted in that capacity himself?—I am not aware that he had; he may have done so. Mr. Mitford had a variety of occupations, which may have prevented him from acting, and made it necessary for him to appoint a deputy.

1649. Do you consider that he had the power of appointing a deputy?—Clearly, I consider that he had, because the question has been raised. My deputy is Mr. M'Donough, a rising barrister, who is in very extensive practice; he sat for me last Friday, and will sit for me to-morrow; and the question was raised as to the power of the deputy to sit, and he established his right in argument upon an appeal.

1650. Have you any other observation to make with respect to the holding of the court in a public-house?—I have. For six or seven years past a rumour has prevailed that Parliament would take into consideration the necessity of reviewing the manor courts of Ireland; and it was conveyed to me by Members of Parliament, and by a gentleman now no more, who took a very deep interest in manor courts, Mr. Ronayne, that it would be necessary to abolish all the manor courts of Ireland. The conclusion I came to was, that the court-house being to be paid out of my own fees, it would be very absurd in me to take a house at 50 *l.* or 60 *l.* a year, rendering myself subject to it, when probably Parliament might extinguish the court altogether, and therefore I kept the matter over till it should be determined what is to be done. I have had no direct complaint or memorial against the practice of holding the court there; although I am certain it would increase the respectability of the business, and the practice of the court, were I to have such an established court as Mr. Kelly's and Mr. Radcliff's; and upon applying to Lord Longford and Lord De Vesci, I have no doubt they would contribute to the erection of a court-house; and the dean and chapter of Christ Church, in all probability, would do the same. I have negotiated, and I have now two houses in view, with respect to both places, and I only wait the decision of Parliament as to what I shall do; for if it shall be decided that we are to be continued, I shall certainly take the houses, whatever be the cost.

1651. Do not you think it would have been but right on the part of the dean and chapter of Christ Church, when the court-house that existed was destroyed, to have provided their seneschal with another court at the time?—I cannot account why it was not done; but I believe the business of the seneschal in former days was not so great as it is now.

1652. Mr. *Villiers Stuart.*] Would it not be possible to hire rooms that would be equally good, not in a public-house?—I have tried it repeatedly, and the objection is this, they do not wish to congregate a crowd to the prejudice of their own lodgers, or of the neighbours; and after getting into a negotiation for apartments elsewhere, I have been rejected upon that ground, and have been obliged to negotiate for an entire house, a large house, at a high rent, which I am ready to take, in case I could be assured the court will continue. But the rooms are very spacious, and there never has been an objection to attend the court on that account. In fact, I am sorry to say, that every tenth house in Dublin is a public-house.

1653. Is there any peculiar power given in the charter of Grangegorman, which enables you to appoint a deputy, or do you consider that every seneschal has that power?—I can only say, with respect to Grangegorman, that the practice has been to appoint a deputy, and I have followed that practice; and Mr. M'Donough established it in the Court of King's Bench.

1654. Is it since you were in office that the trial took place?—Yes, in the last year.

1655. Can you state by what means you proved the right?—Mr. M'Donough quoted authorities; it was a case of 60 *l.*, I believe, in which the objection was raised to his being a deputy, but there was no action brought; the question was raised on an appeal.

1656. Does the process of attachment exist in your court?—It does exist in all

all cases above 10 *l.*, expressly by the Act of Parliament of the 7 & 8 Geo. 4: "Provided always, and be it further enacted, that in cases where the jurisdiction of any manor court or courts, with respect to the recovery of any sum or sums of money, shall not be limited to any specific amount," implying, that where there is no specific amount, the jurisdiction is unlimited, "shall not be limited to any specific amount by the grants or charters or other authority under which any such court or courts may be respectively held, it shall and may be lawful for such court or courts, and for the seneschal, steward and registrar of any such court or courts, to proceed for the recovery of any sum or sums of money exceeding 10 *l.*, in such manner and method and by such process as such court, or the seneschal or steward or registrar and other officers of such court, might have done at any time before the passing of the said recited Act of the last Session of Parliament, and in such case it shall be lawful for the seneschal or steward, and for the registrar of such court, to receive and take such fees as were lawfully payable under such grants or charters, or otherwise, at any time before the passing of the said Act." Here, where the cases are not limited by the grant or charter, the court is at liberty, where it exceeds 10*l.*, to proceed under the ancient method. The ancient method, as practised by me when I first came into office, and by my predecessors, was by attachment. I consider that it is clear from the Acts, that I can try every case of any extent, high or low, by civil bill. All cases under 10 *l.* must be tried by civil bill; all cases may be tried by civil bill, and all cases above 10 *l.* may be tried according to the ancient jurisdiction, by pleadings, and the process of attachment was the ordinary method by the old courts. When I came into office, my court was peculiarly circumstanced; all the cases under 2 *l.* were tried in it, as in a court of conscience; all cases beyond that were proceeded upon by attachment, which was in my mind most oppressive.

1657. Mr. *Villiers Stuart.*] Do you mean to say that all cases under 40 *s.* were tried as they would be in a court of conscience?—Yes, without a jury; all cases above that might be tried by a jury on pleadings. I am speaking of the ancient practice, for we were excluded from the 25th of George the 3rd; and when I came into office as seneschal, I found the practice to be this; all cases under 2 *l.* were court of conscience cases, and all cases above that were tried by pleadings on attachment, which came down upon the property of the defendant in the first instance, thereby increasing the fees of the court, making it a most oppressive and expensive proceeding, and resorted to upon most occasions.

1658. Mr. *Hamilton.*] Have you got rid practically of the process by attachment now?—Not altogether. I allow of attachments in those restricted cases in which it is sworn before me that the defendant is about to leave the manor or the kingdom, or something in the way of fraud, that authorizes me to resort to the ancient practice, and probably I have not six attachments in the year; whereas in former practice every case above 10 *l.* was proceeded upon by attachment.

1659. Mr. *Lucas.*] Then you believe the right to exist, but you are as sparing as possible in the exercise of it, and only exercise it in extreme cases?—Yes, upon affidavit of the necessity of it; and I think it is a practice that ought to be abolished except in extreme cases.

1660. Mr. *Bridgman.*] What is the cost of the attachment?—The cost of the attachment would probably be 1 *l.* 10 *s.*, but my own fee is 8 *s.* 6 *d.*, which I have given up; I have lost probably 100 *l.* a year by discouraging attachments.

1661. Mr. *Villiers Stuart.*] What prison do you make use of?—The attachment is upon the goods.

1662. Mr. *Bridgman.*] What is done with the goods as soon as the attachment issues?—The marshal takes them into custody, and they are kept over till bail is given for the defendant to appear in court, and then the goods are given up.

1663. *Chairman.*] What are the marshal's fees?—I am not aware of that; but I consider the fees altogether to be about 1 *l.* or 1 *l.* 10 *s.*

1664. What is the lowest sum that you recollect to have issued these attachments for?—I cannot issue one for less than 10 *l.* at the present day: formerly I issued it for 3 *l.* or 4 *l.*, but I saw there was oppression, and I discontinued it.

1665. Mr. *Bridgman.*] What is the number of attachments issued by you last

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last year?—Probably six or eight at the outside, and those were issued upon affidavit that the party was likely to leave the manor or on other grounds.

1666. Did you in every instance require an affidavit?—In every case, which I believe I was not authorized to require under the old practice, but I have stretched my authority.

1667. Mr. *Villiers Stuart.*] In the event of the goods of the party against whom the attachment was to proceed being found out of the manor, would you conceive that you had any right to seize them?—No, I would scarcely think I could have a right to go out of the manor to do anything except to serve a summons.

1668. Mr. *Bridgman.*] Do you know that it is the practice of other seneschals to issue attachments without affidavits?—I have heard that it was, without affidavits, such as I describe.

1669. Mr. *Hamilton.*] If the process of attachment was continued, does it appear to you that it would be desirable that by law in every case an affidavit should be required?—I think an affidavit should be required, stating that the party was about to leave the manor or to commit some fraud that would render it necessary to secure to the plaintiff the fruits of his execution.

1670. You have a doubt whether you have a right to require an affidavit before issuing an attachment?—I doubt whether I have a right to do so in the manner stated; and if the plaintiff were to press upon me to issue an attachment, I must say that I would inquire more narrowly into it before I could refuse it; but when I have stated that I require an affidavit, it has been always submitted to.

1671. Mr. *Bridgman.*] Then do you think that it is not a law that an affidavit is necessary?—I am not positive; but I believe it was not the law when I came into office to require such an affidavit; those things are regulated by the practice of the courts; the courts make rules.

1672. Mr. *Lucas.*] You have a discretionary power to grant or refuse an attachment, and you now enforce this condition to the granting of it, that there shall be a previous affidavit?—Yes, that is my rule of court.

1673. You require an affidavit of the debt and of special circumstance, showing that the purposes of justice would be defeated, unless you issued an attachment?—Precisely.

1674. Mr. *Hamilton.*] Is the civil bill business in your court extensive?—Very considerable, both in the number of cases and in the pecuniary amount.

1675. Can you state the number of cases and the amount of money in the last twelvemonth?—Yes; with respect to money, I have tried a case as high as 96 *l.* in the course of the last three weeks; no objection was made as to the jurisdiction, and eminent counsel attended it upon each side.

1676. Had you a jury?—There is always a jury.

1677. Had you a full jury?—Yes; the cases of late have multiplied very much, to a high amount; my court seems to be resorted to for the trial of cases to a very high amount; and I can only account for it from the attendance of respectable juries, and there being a barrister, whose decision is amenable on an appeal to the Court of King's Bench and Common Pleas; I have had the good fortune to have had but about 10 decrees set aside on the merits since I sat within the 11 years.

1678. Your court is near the county court?—A mile or a mile and a half from it. I can turn to a 24*l.* case four years ago, in the year 1832, in which there was no appeal from the decree; a 60 *l.* case also was tried three or four months ago, and last week I had two 30 *l.* cases.

1679. Mr. *Villiers Stuart.*] What is the average amount of the cases?—I think within three years there has been a transfer of 10,000 *l.* of property in my court; the return I have made is to the amount of 8,058 *l.*; but in that return I did not take into account the summonses; since I came here I looked narrowly into the books, and I concluded that there was a greater transfer of property than to that amount, for where summonses have been issued and not entered, I concluded that the plaintiff has been satisfied to the amount of his debt; therefore, upon the whole, I consider that the transfer of property may be estimated at about 10,000*l.*

1680. What have been the costs incurred in that transfer?—About 1,000*l.*

1681. Mr. *Bridgman.*] What is the cost of the summons?—One shilling for the summons to the seneschal.

1682. How

1682. How much for the service?—The party must serve it himself.

1683. Mr. *Hamilton.*] Is that regulated by the general Act?—Before the 7th Geo. 4, we were not subject to the general Manor Court Act; but the very moment the 7 Geo. 4 took away the exception which existed in the 25th, it threw us under the regulations of all the common manor courts, and then we were subject to the same fees.

1684. So that your fees are now regulated by Act of Parliament?—They are; the 7th of Geo. 4, by putting it under the 25th of the King, gave us no more fees than the ordinary manor courts throughout the kingdom had; but another Act of Parliament followed that of the 7th & 8th Geo. 4, c. 49, which, considering that we were deprived of proceedings that were very lucrative under the unlimited charters, thought it unreasonable to put us on a level with the others, and that Act increased our fees and gave us more fees than the ordinary courts can now take.

1685. *Chairman.*] Did it increase your fees in every case, or only when the amount of debt recovered exceeded a certain sum?—In all cases of civil bill; so that whilst they can only recover 5*s.* 11*d.*, we can recover 8*s.* 6*d.*; under the old system, 5*s.* 11*d.* of the old currency was the amount of the fees; then the currency was changed in the intermediate time, and then the Act which increased our fees gave us 3*s.* more in addition to the 5*s.* 11½*d.*, increasing it where the sum exceeds 10*l.* and falls short of 100*l.*, with a further gradation; so that 10*s.* 6*d.* was the amount of costs in that case, where the defendant was sued for 96*l.*

1686. Mr. *Bridgman.*] Are all the costs included in the 10*s.* 6*d.*?—Yes, every cost which the Act of Parliament allows.

1687. Do you receive no more than 8*s.* 6*d.*?—I never decree for more where the sum is under 10 *l.*

1688. Do you include the 1*s.* for the summons?—Yes, all is included in that.

1689. Mr. *Hamilton.*] The costs of civil bill process in your court amount to more than in the quarter sessions court?—Yes; I have heard that is 5*s.* 6*d.*

1690. Can you give a reason then why the business of your court should increase, notwithstanding the proximity to the court of quarter sessions?—My reason is this; the suitor knows the hour when his case can be tried in my court, sitting as I do every Friday in the year; he need not be detained more than two or three hours at the utmost in the day; whereas, if he goes to the chairman's court, the mixture of civil and criminal business is such as to render it quite uncertain when the chairman may have the liberty of trying the civil bill cases. I have heard many say that they have been put off from day to day in the chairman's court, whereas in my court the party is certain of having a decision in the course of three hours. There is another advantage, that in the chairman's court he may be kept out of his money for three or four months after it is due, and in my court, by resorting there weekly, he can get the fruits of his decree, if there is no appeal, in the course of one week; the execution is to be returnable on the next court day, which is the next Friday.

1691. *Chairman.*] Does the process of execution issue against the person or the goods, or both?—In the first instance it issues, according to my rule, against the goods; never against the person; and if the process against the goods fails, I grant it against the body, upon affidavit, but not without an affidavit, stating that there are no goods.

1692. Mr. *Villiers Stuart.*] In such a case, what prison do you make use of?—The county prison is given me by Act of Parliament, abolishing all the old prisons of manor courts, and giving in lieu of them the county and the city gaols.

1693. How long might a debtor be confined in that gaol by your authority?—He may be confined there till he either pays the debt or compromises, or calls upon the plaintiff to give him 2*s.* 6*d.* a week, and that the plaintiff fails in paying it, and then he is necessarily discharged.

1694. Mr. *Bridgman.*] Do you think that any persons go to your court from vindictive motives, because the costs are higher than in other courts?—I have no reason to suppose that they do; they rather come to my court from the facilities I have mentioned in recovering debts, and from my punctuality in keeping the court open they are certain of a decision every week; and probably the circumstance of a barrister having presided, and the character of the juries has had a great effect.

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1695. *Chairman.*] By whom is the decree of the court enforced?—By the marshal, an officer of ancient standing.

1696. Is his fee included in the 8*s.* 6*d.* costs?—One shilling to him for swearing the juries.

1697. Is his fee for the execution of the decree included in the 8*s.* 6*d.* costs?—No; he has 6*d.* upon the first 1*l.* and 3*d.* upon every other 1*l.*

1698. How are the juries summoned to your court?—They are summoned by the marshal, who has directions to summon in rotation, and to summon the most respectable, according to the nature of the business; in a case of high amount, I desire him to summon a highly respectable jury. I have been told that I had upon one occasion ten 50*l.* registered freeholders upon a jury.

1699. Mr. *Villiers Stuart.*] Was that an important case?—It was an important case of a right of toll.

1700. *Chairman.*] A special jury case, in fact?—Yes.

1701. Mr. *Villiers Stuart.*] Are the summonses signed by yourself?—Not with my own hand.

1702. Is the summons signed as seneschal for three manors?—Exactly the same way.

1703. *Chairman.*] What time before the court day are the jurors summoned?—Three days before.

1704. You say the marshal has directions to summon them in rotation; is the choice of the individuals who are to be summoned left to the marshal himself?—Yes, under those directions, to summon impartially, to summon respectable persons.

1705. By whom is the marshal appointed?—By the seneschal for the time being.

1706. Is the present marshal of your court a respectable person?—He is as respectable as I can get for that situation.

1707. What business was he before he was appointed marshal?—I do not know that he was in any business; he was appointed under very peculiar circumstances. His father had been marshal under my predecessors for 30 or 40 years, and an action was brought against him for taking more fees than he was entitled to; and immediately upon the jury finding a verdict against him for taking more than he was entitled to, I felt myself bound to dismiss him; but the same jury that dismissed him memorialized me to appoint his son, which I did.

1708. Is he a young man?—He is.

1709. You say the summonses of the jurors are not signed by yourself; are they signed in your name by any one else?—"By order of the Court," I believe it is.

1710. Are the persons summoned invariably residents within or tenants of the manor?—Either residents or tenants.

1711. Are they all householders?—The direction is that they shall be householders, and I believe them to be generally householders.

1712. Have you ever had occasion to fine jurors for non-attendance?—Early I fined them; but when the business of the court became respectable and approved of by the neighbourhood, I consider then that the jurors willingly came.

1713. Mr. *Villiers Stuart.*] When you say, "When the business of the court became respectable," do you mean in the manner in which it was conducted, or that it was of a higher nature than before?—In respect of punctuality, I am told that I have shown more punctuality in my attendance than my predecessors, for my predecessor was an infirm man, and I believe his court was postponed repeatedly from his infirmity. In my court I have had the good fortune never to have been unwell since I first entered, and that has produced such an idea of punctuality that they resort there as a matter of certainty.

1714. *Chairman.*] You are a police magistrate in Dublin?—I am.

1715. How many years is it since you last enforced the fine for the non-attendance of jurors?—I have no recollection of having enforced the fine for six or seven years.

1716. You have stated that upon certain important occasions you have given directions for the summons of a particularly respectable jury; what are the ordinary class of persons summoned as jurors?—Shopkeepers and householders.

1717. Are they generally the same class of persons that would be returned

as jurors at the quarter-sessions court or petty jurors at the commission?—Probably at the quarter-sessions they are the same description of persons that would be summoned before the assistant-barrister, if it was necessary to have a jury.

1718. Or before the recorder of the city of Dublin?—Or before the recorder of the city of Dublin in some cases. The city affords a higher description of shopkeepers than the outlets of the city.

1719. Both parts of your manor contain a town district and a country district; are the jurors summoned from the town and country districts indiscriminately, or chiefly from which?—I cannot say as to that; but I believe the man observes a rotation, so as not to oppress an individual and make him serve too often.

1720. You do not exercise any control over him so as to secure his impartiality?—No, that has never been complained of; when a man has been summoned above age I have always given directions to relieve him.

1721. There is another way of exercising partiality, that is, by never summoning at all persons who ought to be summoned?—It may be done. An officer must be left, where it is his peculiar province, to his own responsibility for any individual complaints. I am always ready to hear a complaint and to act accordingly.

1722. What was the amount of fine inflicted for non-attendance?—I think it was 2 *s.* or 2 *s.* 6 *d.*, but it was merely as a mark that I was displeased with the man not attending. That power of fining is reserved to us by the 25th of the King, according to the practice of the different courts.

1723. Are there not some complaints that the terms of the Act are not sufficiently defined upon that subject?—They do not appear to me sufficiently defined. It is more a declaratory clause, supposing that there did exist a power of a certain description.

1724. Are your juries always composed of 12 persons?—Not always, but generally, with very few exceptions.

1725. On the average, how often in the year have you less than 12?—Probably on eight or ten days throughout the year; but it is only in cases of trifling amount where the parties consent; I never have less than 12, except where the parties consent. The very moment I perceive a non-appearance on the part of the defendant, and where it is necessary that a verdict should be given upon the case of the plaintiff, I instantly suspend all operations until I have 12 jurors.

1726. When you have less than 12, what has been your usual number?—I have frequently only five, six, or seven.

1727. Mr. *Villiers Stuart.*] Is it left to your discretion to have any number of jurors?—No, I must have 12; it is only by consent of parties that I ever have less, and I do it in the early part of the sitting when I find that the jurors do not come in, but by degrees they come in; in other cases they have not amounted to 12 during the sitting, when there have been only two or three cases.

1728. *Chairman.*] So that the proceedings in those cases where you have not more than 12, have been more in the light of an arbitration by consent than a trial by a court of law?—Yes.

1729. Have you ever set jurors aside at the request of any parties or at the request of the jurors themselves?—Some have been set aside at their own request, with the consent both of plaintiff and defendant, and some at the request of the parties.

1730. Did they wish to be set aside in consequence of any connection with the parties in the case?—When it has been suggested on either side that they are related, they have been set aside; in fact, I have adhered as closely as possible to the rules of the Court of King's Bench, knowing that it is a court of law, with an appeal to a superior court.

1731. Do the jurors give their verdict at the conclusion of each case, and before commencing a new one?—Invariably.

1732. Do they often take any time in deliberation among themselves before they give in their verdict?—Sometimes they have retired and remained absent for a quarter of an hour.

1733. Have they a separate room to retire into?—They have; the room has been made quiet by withdrawing from the second room and shutting them up in it; there are two rooms, and when it is necessary for the jury to retire they

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are sent backwards into the second room, and the persons who were in the second room come into the front room.

1734. Are strangers perfectly excluded from them while they are engaged in their deliberations?—Perfectly so.

1735. Have the jury ever been so long in deliberation that you have found it necessary to go on with another jury?—In some few cases they have.

1736. Have they ever remained so long as three-quarters of an hour or an hour in deliberation?—An hour or two hours.

1737. Have you ever known an instance in which they did not come to a verdict at all?—In several instances, and a juror has been withdrawn.

1738. Mr. *Bridgman.*] When the jury disagree, what is done?—They come in and say there is no likelihood of agreeing; I appeal to the parties, and they withdraw a juror, and the case is then as if it had never been tried, and the case remains upon the book to be tried again, without any additional fees.

1739. Have you found a second jury to disagree upon the same case?—Yes; in one case we had three juries disagreed.

1740. Did the fourth jury come to a verdict?—I cannot recollect how it ultimately terminated.

1741. *Chairman.*] Have you found that the sitting of the court in a public-house had a prejudicial effect upon the state of mind of the jury?—I never knew an instance of it; I never knew a complaint preferred, nor did I ever observe any want of sobriety on the part of the jury.

1742. Did you ever find it have a prejudicial effect upon the witnesses and parties in the case?—I never did; I must say that there is a great deal of sobriety and solemnity in the proceedings, and anything to the contrary would be immediately corrected.

1743. What is the usual hour of sitting?—At 10 o'clock.

1744. At what hour do you generally rise?—About one or two o'clock.

1745. Mr. *Bridgman.*] Do the jurors receive any fee for their attendance?—None; and they often complain that they are not paid.

1746. Do you know any instance of their having got drink when the day's work was over?—I never heard it surmised.

1747. *Chairman.*] Have you ever issued a process of attachment against the goods of a person who did not reside within the boundary of your manor?—I am not aware of it, nor would I, if I was made aware that the goods were out of the manor.

1748. Do you conceive it sufficient to warrant you in issuing your attachment that the goods should be within the manor, although the person might reside outside the boundary?—I think I should be regulated in that case by the cause of action; if it arose within the manor I should have no scruple, but I cannot recollect that such a case ever occurred.

1749. Mr. *Bridgman.*] If a man from another manor rode a horse into your manor, and a person complained this person owes me money, and there is his horse, would you in that case issue an attachment against the horse, for a debt not originating in the manor?—No; the cause of action must be in the manor.

1750. *Chairman.*] If the cause of action, for instance, a purchase of goods for which the defendant had not paid, had taken place within the manor, you would then conceive yourself warranted in attaching his goods if found within the manor?—We should consider that we had a right to attach the goods of any man in the manor where the cause of action arose in the manor.

1751. *Bridgman.*] Suppose that he had got in debt in the manor, and had gone into a different part of the country, and afterwards came by accident into the manor, would you then think yourself entitled to proceed by attachment against his goods?—Not unless he had a residence in the manor.

1752. *Chairman.*] With regard to the payment of sums by instalments, do you conceive that the Act authorizes you to allow such payments in case the sum recovered exceeds 40*s.*?—It does not.

1753. Then it is only in cases where the sum decreed is 40*s.* or under, that the payment by instalments is to be allowed?—Yes; but in higher sums I have prevailed upon the plaintiff to consent to instalments.

1754. Mr. *Villiers Stuart.*] Must it not be upon the recommendation of the jury?—The seneschal and the jury.

1755. Mr. *Bridgman.*] Suppose they do not pay the instalments?—There is an

an affidavit made of the failure upon the day specified, and the execution then issues against either the goods or the body for what remains due.

1756. *Chairman.*] Do barristers often practise in your court?—Frequently.

1757. Do they in small cases, or only in larger cases?—In larger cases, and in small cases connected with high feeling, and some matters that are remarkable, not for the amount, but for the subject matter.

1758. For instance, cases of tolls?—Cases of tolls, and even 5*s.* cases have been tried, and counsel attending on both sides.

1759. For what value?—Trespass upon gentlemen's domains and nuisances, cases involving a right; also a case in which 1*s.* verdict has been given against a peer to try a question of nuisance.

1760. Mr. *Bridgman.*] Have there been any cases of tithes or ministers' money?—No cases of tithes or ministers' money; I believe church rates have come before me where a civil bill has been allowed in cases of church rates.

1761. Do attorneys commonly practise in your courts?—Yes; all attorneys are allowed to practise in cases of civil bill; in cases of record, none but attorneys of the court.

1762. How are attorneys admitted into your court?—They are admitted upon application, as into other courts, to be enrolled; they must show that they have paid their licenses.

1763. Do they take any oaths—I am not aware that they do.

1764. Have you admitted many?—I have not admitted many; the civil bill proceeding has dispensed with almost everything of that kind.

1765. Do any persons not sworn as attorneys act in your court?—Never, except the clerks of the attorneys who are to do the business for them; they are permitted to do so under the responsibility of the principal.

1766. Do any of the officers of the court ever practise as agents?—Never.

1767. Have you any other officer of the court besides the marshal?—The registrar.

1768. Is he a legal person?—My first registrar was an attorney; the present man is not. I have a certificate here from the practising attorneys of the court, and the jurors, representing the manner of conducting the business of the court to be such as they highly approve of, which was sent to me the night before I came over [*producing the same*]. I have also received a letter from the Bishop of Kildare, who, as Dean of Christchurch, is lord of the manor, which, with the permission of the Committee, I will read:

"My dear Sir, Glasnevin House, near Dublin, 4th May 1837.

"It gives me satisfaction to hear that you are called upon to give in Parliament some explanations concerning the jurisdiction you exercise in virtue of my chartered rights as dean of the cathedral church of the Holy Undivided Trinity, in Dublin, commonly called Christ Church, in the important and widely extended manors appendant to that dignity. Soon after your appointment, about 11 years ago, to this singularly valuable trust, the jurisdiction received a great accession of useful power, by the addition of the trial by jury. Any one who will take the trouble to look into the general state as to worldly goods of the numerous suitors therein, and who will look to the composition of the jurymen, must perceive by the numerous cases decided there, that your court is adapted to give contentment to persons of the humbler walks of life, who might not be so contented by the mere dictum of a judge, while it would be ruinous to all parties to have their cases decided in superior courts of law. The jury being men of their own station, and the costs of suit very inconsiderable, constitute such foundations for such contentment, that I am happy to say, who live in the midst of them ever since you presided, there has been a marked change in the prosperity and appearance and manners of the people throughout that jurisdiction. I am nevertheless happy to hear that these courts are to be well considered by the Legislature, with a view to further improvement. The strides that have been in the last 35 years made by Parliament to give equal law to all classes in Ireland have been truly beneficial, and cannot fail in due time to produce the fruits of good order.

"I remain, my dear Sir, your assured friend and humble servant,

"*Charles Kildare.*"

1769. Mr. *Bridgman.*] Do not you think that the people would be more contented if the fees in your court were less; suppose they were brought to the same

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same standard as the barristers' courts?—I cannot say that any discontent has arisen from the magnitude of the fees; of course the less the fees that were charged they would be more contented.

1770. *Chairman.*] Would it not be fairer to the suitors if the fees were reduced to a similar scale with that which prevails in the assistant-barrister's court?—I think a reduction of the fees would be beneficial, and would fall in with the opinion of the public. With regard to the costs which fall upon the debtor, it must refer to my practice in the court. Where I find that the defendant is unable to pay, that he is a very poor person, I charge no decree against him. I cannot deprive the plaintiff of the fee that the registrar and the marshal is entitled to, amounting to 2 *s.*, over that I have no control; but my own separate fee in cases of great poverty I remit altogether. In cases where the poverty is not so manifest, where he has the means of paying it, and I adjust it by instalments, I diminish the amount of my fee upon the decree, but I find that the jury often take into consideration the necessity of paying a fee on the part of the defendant, and very often they adjust their verdict accordingly; it perhaps does enter into their consideration, so that by apportioning the instalments, and charging a small sum for the decree, I thereby adjust it to the circumstances of the party, and produce no great discontent on the part of the defendant, for he is able to pay his 6 *d.* or 1 *s.* in the week. But when I find that he is able to pay, and that he has been litigiously keeping the plaintiff out of his debt for a considerable time, I have no mercy upon a man that is able to pay and will not pay, and therefore I put "able to pay," as a note in my book, as a memorandum for myself, that although the sum is small I have acted equitably. I have invariably held that practice; and when I consider that really a man is not to give his time for nothing, and that while he is to act equitably in the discharge of his duty, he is at the same time to look for an equitable remuneration for his services, I could not say that the fees ought to be reduced, when I make such arrangements as may cause the fees to be adjusted according to the circumstances of all parties.

1771. Mr. *Villiers Stuart.*] Would it not be a fairer arrangement, that in cases under 40 *s.* in your manor courts, a person should not be called upon to pay more than 5 *s.* 6 *d.*, which are the costs in most other manor courts?—I think it would be a very good general regulation, that as the debt increases the fee should graduate; but suppose a man tries a cause upon the question of 1 *s.*, the question may last two hours, and it is hard that the seneschal should not then derive the fruits of his own labour and charge a higher fee, provided he exercises a discretion where the party is poor.

1772. *Chairman.*] Can you see any reason that induced the Legislature to make that regulation in the 7 & 8 Geo. 4, whereby the costs were increased in all those manor courts which had an extensive jurisdiction, though the sum actually recovered in the case might be within the smallest jurisdiction of the manor courts?—The reason is not given in the Act; but I should suppose, that in consequence of the substitution of the civil bill practice for the old profitable practice, as the civil bill practice would not be so profitable, they thought to compensate the seneschals of higher jurisdiction by giving them a higher fee; that is the only reason I can assign for it; I was not in the secret of the formation of the Act.

1773. Mr. *Bridgman.*] Do not you think it would be a sufficient remuneration for you to get the same fees as are received by the barrister?—No; the barrister has a salary of 500 *l.* a year, and if you were to lower my fees, the annual value of my situation would be less, and probably no barrister would be induced to take it.

1774. Do not you think that in practice so many more suitors would come to your court in consequence of the small fees, that it would be equally remunerative?—I believe it would increase the number; but when it is known that we adjust the thing in that way, I doubt whether there would be a great increase.

1775. Are the costs in the manor of Kingstown less than in the manor of Grangegorman?—No; just the same.

Veneris, 19° *die Maii*, 1837.

MEMBERS PRESENT.

Mr. Bridgman.	Mr. M. J. O'Connell.
Mr. F. French.	Mr. Vilhers Stuart.
Mr. Hamilton.	Mr. Vesey.
Mr. Lucas.	

MORGAN JOHN O'CONNELL, ESQ., IN THE CHAIR.

Henry Cole, Esq., called in; and further Examined.

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1776. *Chairman.*] ARE you in the habit of charging the juries in your court?—Generally, with very few exceptions.

1777. Do you charge them at any length?—I have been obliged to charge them in charges of a quarter of an hour frequently; where counsel have been employed on both sides it was necessary for me to pay respect to their arguments, and to lead the jury, as I considered, to a right view of the law. They say, "We are judges of the facts, but it is for you to tell us what the law is, and we are bound to take the law from you." I therefore infer from that, with reference to the nature of the court itself, that it is a court of law, not of equity. I may add, that the appeal is to the courts of law, and to the strictest courts of law that exist, the Courts of King's Bench, Common Pleas and Exchequer.

1778. That is the appeal under the Civil Bill Act?—Yes, it is all civil bill business.

1779. Is your return to the order of this Committee quite accurate upon the subject of appeals?—Not quite accurate; I think I may be over the number. That was in order that I might show, probably, a stronger case against the court.

1780. Have you been able to state the number of cases in which your decree was confirmed, and in which it was reversed?—I believe I have stated that about ten have been reversed, and I only speak from belief, not having the document. The registrar could not give me the document I called for, not having made the regular entries himself; but I am certain I am over the number that have been reversed in the three last years, and those that have been reversed have generally been at my recommendation; that is to say, I have called upon the parties to appeal, not being satisfied with the verdict.

1781. That is, the appeal has been generally made at your recommendation?—Yes; but it has been mentioned very often in court that the appeal was with Mr. Cole's sanction. If I am to form an opinion upon the subject, I do not suppose that five decrees have been reversed upon the merits in the three years.

1782. Are you aware whether appeals have often been made for the purpose of gaining time?—They are generally made for that purpose.

1783. And are appeals so made afterwards prosecuted in the superior court?—They are not generally prosecuted in the superior court.

1784. Do you consider the law with regard to appeals gives too great a facility to vexatious appeals or not?—I am convinced it does, and that it might be amended.

1785. What suggestion should you be inclined to make with regard to the proper amendment of the law upon that subject?—My suggestion would be this: that where the appeal is by the defendant, and in no other case is it allowed (the plaintiff not being allowed by the Act of Parliament to appeal), I would require that he should deposit not only the costs which he does at this moment, but that he should also deposit the sum decreed against him. That would be

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some restraint upon the present practice, which is merely meant, in my opinion, for delay. My reason for thinking so is this, that Lord Plunket, when he presided in the Court of Common Pleas, suggested the practice of rehearing. We have not the power of rehearing under the Manor Court Act, for "any person who finds himself aggrieved," has been construed to mean the defendant and not the plaintiff. He may, therefore, appeal and take it at once to the superior court; but Lord Plunket suggested to the seneschal to turn his mind to the question, whether he might not have a rehearing, observing, that it was a difficulty to a judge to try a case without a jury; that is, to try facts which had undergone a trial through the judgment of 12 men; and unless he saw some great blunder on the part of the seneschal in point of law, he found some difficulty in deciding upon the case; and, therefore, he threw out that idea of the rehearing. I immediately adopted the suggestion; and, where the defendant is willing to appear before me, I tell him if he is dissatisfied with the verdict of the jury he may have another jury, and the terms in that case would be to pay the costs and lodge the amount of the decree. It has succeeded in many cases; but I make it a condition that there should be no appeal after that, having tried two juries; so that it is quite optional to him, and having thrown that option out to the defendant, he has in many instances deposited his money and gone to a rehearing the next court day. The plaintiff then has a security for his money, and is not delayed more than a week; therefore he has an advantage which is analagous to the superior courts. If he has a good case he will succeed as he did before, and then he draws his money out on the next court day.

1786. Mr. *Lucas.*] Do you adopt that practice with or without the consent of the plaintiff?—I cannot do it without the consent of the plaintiff; there is nothing compulsory in it; but the equity of it is so obvious to the defendant, and the advantage of it so great to the plaintiff, that it is seldom refused.

1787. *Chairman.*] Do you consider yourself authorized to swear a second jury for the purpose of that rehearing?—Where there has been a consent on both sides I do not think there is any difficulty.

1788. Do you think an arbitrator in a case between A. B. or C. D. would be authorized to swear a second jury by virtue of the consent of the parties?—I conceive an arbitrator could not swear a jury.

1789. What distinction do you draw between your own authority, acting with the consent of the plaintiff and defendant in the case of a rehearing, and the authority of an arbitrator who is chosen by the parties to decide between them?—The course which I adopt is, as if there were no trial in the first instance, or that it was suspended.

1790. If there were no trial in the first instance, the consent of the plaintiff would not be requisite?—It is analogous to a new trial.

1791. So would an arbitration be if, after the first trial had been decided, the plaintiff and defendant had agreed to leave it to a fresh decision; but the question put to you is, does the law of the land give you any power of your own authority to enter upon that rehearing, or is your power wholly dependant upon the consent of the parties?—It wholly depends upon the consent of the parties.

1792. Then how do you consider yourself authorized by the consent of the parties to enter upon a new inquiry?—I should consider the consent would cure everything where it does not violate any express rule of law.

1793. Where did Lord Plunket throw out that opinion upon the subject of rehearing; was it in the course of an inquiry into the question, or was it what the lawyers call an *obiter dictum*?—It was an *obiter dictum* upon an appeal.

1794. Did he give any opinion upon the legality of your swearing a second jury to rehear the case?—He did not; he threw it out as a suggestion to the seneschal, leaving him to decide whether it was a legal course or not.

1795. Mr. *Villiers Stuart.*] Supposing the second jury were to reverse the verdict of the first, do you not think the parties might refuse to obey your decree, and that you would find a great difficulty in enforcing it?—I consider the consent of the parties cures everything; if it is in favour of the plaintiff, the money is lodged.

1796. Mr. *Lucas.*] You seem to consider the consent of the plaintiff and defendant to a new trial taking place as a waiver altogether of the first trial?—Yes;

Yes; and places the plaintiff in the situation that there is a security which there was not before.

1797. Then the original trial is waived as if it were set aside?—Certainly.

1798. And there is to be a new trial, as if a trial had not previously taken place?—Yes; it works no injury, I conceive, but a great deal of good, for I can adduce instances where an appeal would have been so effectual as to bar the party from recovering his demand in a reasonable time. I will state one instance of it in particular: The Court of Exchequer in Ireland, it is well known, has more business than any other court, so that an appeal has been depending in that court for two years, and it has not yet been brought to a decision. A very curious case occurred lately, in which I inferred, from the clearest interpretation of the conduct of the man, that he took his appeal for the purpose of delay; and when the party tendered his recognizance to me for an appeal to the Court of Exchequer, I told him I had an objection to take his recognizance for the Exchequer. He asked me my reason; I said, "Why, you are going to take an affidavit that it is not intended for delay, that you have merits, and I now tell you there is an appeal which has been depending in that court for two years, while all the appeals are disposed of in the other courts, because they have not so much business; I am, therefore, not disposed to take your recognizance." He said, "Sir, you must take it; you cannot refuse me." "Now," said I, "when you enter your appeal in the Court of Exchequer, and you do not bring it to trial, if the Court of Exchequer should be disposed to try it at a future day, probably in a year or two, you have got my caution, that the inference from your taking this step is that you wish for delay. Will you not stand in a very awkward situation if any man were to take it into his head to indict you for perjury? I will suppose that all the business in the Court of Exchequer is disposed of, and you are able to prosecute the appeal; suppose you were not to set down your cause for hearing in the Court of Exchequer when you had the ability to do so, should you not incur some little difficulty?" "Sir," said he, "I will run the risk of that, and I will take the appeal." I consulted the judges about it, and asked them if I had any discretion in the matter, and I was informed I had not; that I must take the appeal; and I consider that it was hung up for two years.

1799. Mr. *Villiers Stuart.*] Have you made a return of the number of rehearings in your court?—No.

1800. Can you state what proportion the number of rehearings bear to the number of cases tried?—Probably not more than one in a day, or not so much perhaps.

1801. Is a case always reheard the same day?—No, it is never heard the same day. There have been cases of rehearing, involving some very nice questions, which have occupied an hour and a half; I find that appeals come back to me in order to found my order upon the decree. They come back to me upon the ground that there has been no proceeding upon those appeals by the appellant, and therefore I adopt the inference that they are generally intended for delay.

1802. *Chairman.*] In the Appendix to the Report of the Commissioners on Municipal Corporations in Ireland, it is stated, "that allegations were made before the Commissioners, that the juries in the manor courts were of a very inferior class of persons, generally labourers and servants;" to your knowledge is that statement a correct one?—It is quite incorrect; I have never known, and I have inquired into it, that there have ever been servants upon the jury; it is a thing I would never allow, where the cases are relating to wages especially. I do not know that servants could attend a court of that kind; it is quite out of their department; nor labourers.

1803. It is also stated that a charge was made against you for leaving decrees signed in blank with your registrar; has that been your practice?—Never; my general practice is to sign the decree immediately upon the verdict being pronounced, before I leave the court; I do not recollect an instance of my signing a decree in blank. If I did so, I acted improperly.

1804. When was your present deputy appointed?—I believe he first acted as deputy two years ago, on the occasion of the summer vacation.

1805. Has he any salary as such, or merely a share of the fees?—He has a share of the fees of the court.

1806. For the time he acts as deputy?—For the day he acts as deputy.

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1807. When not acting as deputy does he practise as a barrister in your court?—He has practised as a barrister.

1808. Frequently?—Yes.

1809. Do you not conceive that it may create an injurious impression against your court, that a barrister, who to-day practises for parties in the court, may the next day sit as a judge there, and perhaps try causes in which those very parties for whom he acted as counsel are concerned?—It never occurred to me, from the opinion I had of that gentleman, from my knowledge of his character and the checks there are in that court in case of an error in judgment or in conscience; it is an idea that never occurred to me.

1810. I ask as to the ideas that may prevail in the minds of others?—I never heard such a thing surmised; if the objection had come from the jurors, or from respectable persons, I should assuredly have attended to it; but the difficulty of getting a qualified person to act as deputy is very great.

1811. Then I understand that no such feeling was ever expressed by any one to your knowledge?—Never.

1812. Mr. *Lucas.*] Has that gentleman practised as a barrister in your court?—He has.

1813. *Chairman.*] More frequently, perhaps, than any other barrister of similar standing?—More frequently than any other barrister; attorneys generally conduct the cases, and he is brought in specially like others.

1814. Mr. *Lucas.*] I understand you to say that barristers are only employed on special occasions?—Yes, when it is a case of importance, a case of high feeling, and they are generally opposed to very ingenious men.

1815. Barristers are not the professional body who are usually employed as advocates in your court?—They are not; the attorneys are a respectable body of men, and they conduct the business of the court in ordinary.

1816. *Chairman.*] Have you any other suggestions to offer with respect to the law of appeal?—I would suggest that I would give the plaintiff the power of appeal, of which he is now deprived by law; he has no redress in case he should be dissatisfied with the law the judge lays down; he may be deprived of what he considers to be his right to a verdict, and he has no redress.

1817. Do you ever give a rehearing when the case is decided for the defendant?—Never.

1818. Do many cases of wages come before your court?—Several.

1819. Are they cases which might be also decided before the magistrates at petty sessions?—They might be decided by them, and many cases of wages are tried before them; but the only reason that I know of for so many cases of servants' wages coming to my court is, that the case is not decided by the opinion of a person who is superior to the parties in rank, but by persons in their own condition of life; I do not mean servants, for there are no servants upon the jury, but by persons nearer to their own condition in life than magistrates, and that of course forms one of their inducements to have a trial by jury; I should say the trial by jury is one of their inducements, and I have found they are not always satisfied with the opinion of a single judge, who moves in a superior rank to themselves, unaided by a jury; and with all the difficulties, and costs and expenses they have to bear, I will not say that they prefer my court, but they continue to resort to it.

1820. Mr. *Villiers Stuart.*] Yours is a much more expensive court than the petty sessions court?—Yes, considerably; and yet we have a great many cases of servants' wages.

1821. Are they farmers servants generally who apply to you?—No; domestic servants.

1822. Have the magistrates any jurisdiction in the case of domestic servants at petty sessions?—Yes, I believe they have in the cases of labourers and servants, including domestic servants to the amount of 6*l.*, because I decide upon those cases in my own court; but I must say, I am not so well satisfied with my own decision as I am with my decision aided by a jury. I should wish for a jury very often in my own criminal court; that is to say, a jury of three men; I am never so well satisfied with my own decisions, sitting as a magistrate in any case, as I am satisfied with the decision of the jury, which takes place under my direction, sitting in my other capacity; I will not except any case.

1823. Supposing there were no manor courts in the district in which you are seneschal, parties for the recovery of small debts would be obliged to have recourse

recourse to the assistant barrister's court?—Yes, they must go to the assistant barrister's court.

1824. How often in the year does he hold that court?—From my information and general knowledge I should say he sits four times each year.

1825. So that parties would not have longer to wait than three months for the recovery of a small debt in his court?—No, besides the appeal.

1826. In the event of a party obtaining a decree for a sum in the assistant barrister's civil bill court, how soon, practically, would he obtain the benefit of that decree by its being enforced?—If the debt arise three months before the sitting he can recover it then, or if he proceeds to sue after the barrister leaves the town, if he finds it necessary to commence proceedings at that period, of course he would be three months more before he could bring the case to trial.

1827. I mean after he has obtained a decree for his debt, how soon would he actually obtain the benefit of it by that decree being enforced?—He might in a fortnight; I am not aware of the practice, when the decree is returnable.

1828. In your own court, in the event of a party obtaining a decree in his favour, how soon would he obtain the benefit of it?—In one week; he would have to wait from Friday to Friday; I cannot speak positively to the practice of the assistant barrister's court.

1829. From your experience as a seneschal, can you state whether the debts sought to be recovered in your court in general are a less time outstanding than three months, before the parties seek for redress in your court?—I cannot accurately speak as to the time the debt has existed from the commencement of the credit, but I have frequently known it to be five or six years, for the statute of limitations has been pleaded.

1830. But in general the parties would not think of seeking redress in such a court as yours in less than three months from the commencement of the debt?—It is very unusual; tradesmen give credit, and when that credit is abused, they will, as in other cases, resort to my court; but they do not appear to me to use more expedition in my court than in other places.

1831. Then, may this inference be drawn from that, that if there were a court held once every three months for the recovery of small debts, the public would not lose by that arrangement?—The public would have a better chance than they have now of recovering small debts.

1832. If there were a court held four times a year a party would have an opportunity, at the expiration of every three months, of recovering his debt?—Supposing the defendant were not to run away; but the advantage of my court is, that he would have a speedier remedy, and obviate the difficulty more readily by having his execution one week after he establishes his demand, than if he were to wait three months; that is a convenience which is found in many cases.

1833. But if parties do not apply to you in general within less time than three months, they would not be worse off if the court only sat four times a year?—No, they would not.

1834. Have you had any opportunity of observing the manner in which other manor courts are conducted in other parts of Ireland?—No, I have heard of it.

1835. Are you aware that the seneschals in many cases are not barristers?—I believe in general they are not barristers; in the country, I know very few cases where they are barristers.

1836. Do you not think it desirable that there should be a legally educated person presiding in a small debt court?—I should say it would be highly desirable in cases involving very nice questions of law, and those to be reconsidered by judges of the superior courts; it would give those courts a higher character were they presided over by barristers.

1837. As there would be considerable difficulty, if not almost an impossibility, in obtaining a barrister for every manorial court, can you state any reason you have against the abolishing of manor courts, supposing the assistant barrister held his civil bill court sufficiently often in different counties of Ireland, and in such places as should afford the poor people an opportunity of recovering their debts once every three months, without having any very great distance to go?—If the barrister were to have a jury, and if he were to sit more frequently than he does, and bring home justice to the neighbourhood as the manor courts do,

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but much more practicably, I think it would answer all the purposes of the manor courts; he might sit every month probably. Regulations have been made by late Acts of Parliament to enable the Lord Lieutenant to subdivide counties, and enable the barrister to sit in three places in succession every three months, which gives three months interval. But I so far approve of the trial by jury, that I think it is indispensable to the complete satisfaction of the suitors, and I do not think there would be any very great delay in adopting the practice of juries in the assistant barrister's court. I practised as a single judge 11 years ago in the manor court, having the court of conscience and all other cases submitted to me by consent, and I found I took up more time, not having a jury, than I now do with the aid of a jury; I sat longer then, and I now find that the jury rather expedites than delays my proceedings. Some cases will take up a longer time, perhaps, than others, but a jury will promptly decide; whereas when I was a single judge, I was under the necessity of listening to the wranglings of the parties, from an apprehension that they might think I was not attending to everything they said upon the subject; but when a jury assist I refer everything to them upon the evidence, and give them a short charge, and I can under the rules of law cut the matter considerably shorter than if I were sitting as a single judge. I do not think a single judge can ever in any department give so much satisfaction as a judge aided by a jury can do; I admit of no exception to that.

1838. Supposing your court were abolished to-morrow, and the assistant barrister in Dublin had the assistance of a jury, do you think the public would suffer at all by such a change?—By no means; I should think the highly intelligent person who is always appointed by Government to that situation would probably give more satisfaction, aided by a jury, provided he were to visit the neighbourhood and bring justice home to the vicinage, so as not to harass the suitors by their coming there and being disappointed (for that I conceive is the reason, not for the preference, but the continuation of the business in the manor courts); the public would be gainers by it. Parties coming to my court in the morning know that their cases will be decided in one hour, for there is no man who has a pressing occasion for his case being heard, who may not have it called on immediately.

1839. Does that arise from the small quantity of business in your court, compared with that in the assistant barrister's court?—It is owing to my not having criminal business in the manor court; the criminal business very often interferes with the civil bill business, which is considered not so pressing as the criminal business of that court, consequently it is protracted, and I believe the business is very small in the civil bill department; I do not suppose they have 100 cases in three months in Dublin, but I do not speak accurately. I have written to a friend for a return, who will give me his opinion as to the number of civil bills before the chairman of Kilmainham, but I believe they are only commensurate with the quantity of territory in Dublin not covered by the manor court.

1840. Mr. *Vesey.*] Do you mean to say by that, that the people residing in the district where there are manor courts do not go to the assistant barristers' courts?—Some have gone; but, from the quantity of business there is every Friday, I infer they think it more convenient to go to the manor court. It is astonishing that the average of the business runs from about 20 to 23 cases every Friday. The distance is 11 miles from the remote parts of the county to the chairman's sitting, and that will take a man a day; he will lose his whole day about it, and he may be obliged to come a second time. He may occupy two days in coming from a remote part of the county unless the chairman is brought to him. I believe it is in contemplation to have him sit in different places, as well as Kilmainham, whereas to my court probably the suitors might not have 100 yards to come.

1841. *Chairman.*] Have you attended much in the assistant barrister's court, or the court of the chairman of late?—No, I have not; I sat as deputy for an assistant barrister in former days, when I was practising at the bar.

1842. Are you aware that many of the barristers have lately adopted the practice of frequently calling in the assistance of a jury, generally of three persons, in disputed cases?—I have heard they have of late called in the assistance of three persons, but not frequently; I may state that I have found in the seneschal's court verdicts were sometimes given different to the view I have taken

of

of the case, and yet I have subscribed to the justice of the verdict upon consideration, though probably I should have acted otherwise at the time.

1843. Do you consider that the number of 12 is the best number for a jury in the seneschal's court?—No, I do not; I consider a less number would answer the purpose, and it is frequently inconvenient to collect them. I may wait a quarter of an hour for 12 men, whereas I am always provided with six or seven; I should think six persons would be quite sufficient; it would be less harassing to the neighbourhood who attend upon the juries, and the decision would be equally sound.

1844. In the case of country manor courts, where the pecuniary jurisdiction is small, under 40*s.*, and where there might be a difficulty in getting barristers to act as seneschals, what is your opinion of the suggestion made by the previous witness, that in these cases, persons who are country magistrates and possess the qualification which is required by a former Act of Parliament to act as magistrates generally, should be allowed to act as seneschals of those courts with the assistance of a jury under the present law?—I have never considered the subject, and I am so impressed with the necessity of there being a legal person presiding with the jury, that I cannot admit of any exception; I will mention, in cases of my own experience, where there is a court of conscience, and where magistrates do preside, I know the decisions do not give satisfaction.

1845. In the court of conscience you mention is there a jury?—No.

1846. In the case the question contemplates, there would be a jury, only allowing the pecuniary qualification I have alluded to, to exist instead of the qualification you suggest of being a barrister?—It would advance a step towards human perfection, but it falls short so far as this, that a legal-minded person I think is requisite.

1847. Then human perfection, in a court of justice, in your opinion, consists in having a barrister sitting as judge?—With a jury; it would be nothing to have a barrister without a jury, or to have a jury without a barrister.

1848. Mr. *Vesey.*] But do you not think that where the jurisdiction is not more than 40*s.*, a man qualified to act as a magistrate would be perfectly competent to sit as a judge in that court with the assistance of a jury?—I think in many cases he would; but I do not think he would preserve that uniformity of legal precision which is requisite for giving complete satisfaction.

1849. Are you not aware that at petty sessions in Ireland, the magistrates now decide many cases of debt for wages, and so on?—I am aware they do; they do so in my neighbourhood.

1850. Do you think the magistrates' court is a fit tribunal to try these cases?—I should say it is not as complete a court as it ought to be; I have no doubt they give satisfaction in many instances.

1851. Then, it is your opinion, that in order to be an efficient court the magistrates ought to be legal persons?—I consider it is necessary in all cases; the assistant barrister is supposed to assist in criminal as well as civil cases.

1852. Mr. *Lucas.*] When you speak of the court of conscience being objectionable, I presume you refer to the court of conscience in Dublin?—Yes, that is the only one I have had experience of.

1853. That is the court you referred to, in saying the decisions did not give satisfaction?—Exactly; but, on the other hand, I argued upon general grounds, from my own experience in my own court, and the satisfaction which it appears to me it gives, from the frequency of the cases under 40*s.* that come to me, when they might resort to another court at a cheaper rate; I think it gives more satisfaction.

1854. There are other circumstances attached to the court of conscience in Dublin, which may indispose the public towards its decisions, independent of the fact of the magistrates being the persons sitting there?—I do not know of any other; I can only say, generally, it is a court which does not give satisfaction.

1855. Does not that court use great latitude with regard to summonses, as to the extent of local jurisdiction?—Yes, and encroach repeatedly upon other jurisdictions.

1856. That court exercises great latitude of local jurisdiction?—Yes, it travels beyond its own jurisdiction in many cases; but, at the same time, it is fair to me to say, that when an objection is made that the case is not within the jurisdiction, I do not think they press the matter, but they try cases which are not confined

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fined to their jurisdiction: for instance, if I contract a debt in Belfast, and then happen to come and reside in their district, they will try that case.

1857. Is that court exact or inexact with regard to the cases where they issue summonses; I mean, do they inquire accurately or inaccurately into the cases which they call there for decision?—I believe according to their own mode of doing business they inquire into the evidence before them; but as to the nature of the cases, I believe they are not very particular: for instance, they summoned me for taking the seneschal's fees; and if I had not a very ingenious counsel to attend, who produced the charter, there would have been a decree against me in the court of conscience.

1858. Then this circumstance you have mentioned, with regard to the practice of the court of conscience in Dublin; are they not circumstances which might indispose the public to a satisfactory opinion of their decisions, independent of the fact of the magistrates being the parties to decide?—There might be that additional cause for dissatisfaction.

1859. Mr. *Villiers Stuart.*] There is no jury there?—No. They also summoned my registrar, and gave a decree against him for taking fees according to the Act of Parliament, as he informed me.

1860. Is that court presided over by an alderman?—Yes; by the alderman who the year before was lord mayor; it is a compensation to him for his expenses during the mayoralty year.

1861. *Chairman.*] Have you any jurors list in your court analogous to what is now required by law in the regular courts of law?—I do not know whether it is analogous to that, but I am satisfied the marshal has a list, and the juries appear to me to be generally unexceptionable. I presume he does his duty, but in answer to the question, I know of no list conformable to the present regulations; but that is a matter of amendment and reform, which of course I shall by degrees adopt if the court continues.

1862. Do you think the marshal could furnish the Committee with a copy of his jury list?—Such as he had, of course.

1863. Do you think there is attention paid to the fact of the jurors being householders or tenants of the manor?—Clearly; none other, I conceive, would be summoned but those who are tenants or resident householders in the manor.

1864. Mr. *Vesey.*] What extent of power has your court with regard to imprisonment; have you any power of imprisonment whatever?—Yes.

1865. To what extent?—The power of imprisonment is never upon mesne process; it is only under execution upon a decree to any amount. There can be no arrest now upon mesne process under 20*l.*

1866. What number of persons have been imprisoned under a decree?—I believe there is a return made by the registrar, upon going to the prisons and getting a return from the different gaolers, and he satisfied me it was correct. It appears that the number is 95. I wrote a letter to the governors of the prisons to make me that return, which they did.

1867. Mr. *Hamilton.*] Are you aware whether any confusion or differences have arisen in reference to the new mode of ascertaining weights and measures, in consequence of the jurisdiction of the manorial courts, as compared with the jurisdiction of the county inspectors?—I have had some disputes relative to it; persons contending I have no right to interfere with weights and measures under the new regulations.

1868. Are you aware whether county inspectors have been appointed for the purpose of examining weights and measures?—Yes.

1869. And these county inspectors have been interrupted in examining weights and measures in manorial jurisdictions?—I have heard so; some resistance has been shown, I believe, in those cases, but not in my court, for I have abandoned the usage altogether in my court. My predecessors not having exercised many things, I have not revived or asserted privileges which I conceive are inherent in my court; for instance, I have no juries for nuisances, no courts leet, no frankpledge or view; I have no cranes or places for weighing machines, as they have in other seneschals courts, Mr. Kelly's, I believe, and others; there they have that privilege preserved and asserted, and I believe they resist the city and county authorities from encroaching on their jurisdiction.

1870. Then you have in your court no inspectors of weights and measures?—No,

—No, none of my own, except those in the county court. I took up false bread and false weights, but I discontinued that from some doubt in my mind that the Act of Parliament took away my power.

1871. Mr. *Vesey.*] Is there no limit upon the term for which you have the power of imprisoning?—I am not aware of it.

1872. Do you often exercise the power?—It appears from the returns that I must have exercised it frequently, and without that power manor courts would be quite inefficient.

1873. Are there any prisons peculiar to your jurisdiction?—None but those given by the Act of Parliament, which are not peculiar to the original jurisdiction of the manor courts. The old prisons were abolished and others substituted.

1874. *Chairman.*] With regard to your territorial boundaries, is there not a very great diversity in the character of those parts of the city of Dublin into which your manor extends; does it not comprehend some of the wealthiest parts of the north side of the city of Dublin, and some of the very poorest?—Yes, it does. The whole of Mountjoy-square is within it.

1875. And several of the poorer streets in the neighbourhood of the Royal Canal?—Yes; several small streets of inferior houses in that neighbourhood.

1876. Do you find much inconvenience arising from the conflict of jurisdiction between your courts and those of the city of Dublin, and recorder's, and the court of conscience?—I have met with some difficulties with respect to the court of conscience only, not the recorder's nor the chairman's court.

1877. Do you consider that the divisions of your jurisdiction are such as it would be advisable to follow, supposing a new system of cheap local tribunals were now established; speaking of the manor courts of Dublin generally?—If the chairman is to be made the personage to administer justice, I should think our present division is a bad one.

1878. Suppose a similar number of local jurisdictions were to be established *de novo*, do you conceive that the boundaries which now exist of the several manor courts of the city of Dublin and its neighbourhood would be such as the new jurisdictions ought to follow?—Certainly not; I think a new division ought to take place; they are so dovetailed together, that I consider that would not be simplifying the system, or effecting the object which the legislature may have in view.

1879. Are there many parts of your manor which are what may be called decidedly rural district?—Yes.

1880. How distant are they from the city of Dublin, or any town?—Probably two miles distant from any populous place.

1881. Do you conceive that for a rural district generally equal facility for the recovery of small debts is necessary as for the population of a town?—I do not see any distinction at present; the necessity is as great in the one place as the other. These districts comprehend both populous and rural portions of the country; villages here and there.

1882. You have already stated that when you were summoned to the court of conscience the case was dismissed as against you?—I understood so.

1883. Upon you having employed counsel to produce your charters?—Yes, I employed an attorney, who was a very ingenious man.

1884. Was the registrar summoned at the same time to the court of conscience?—He was.

1885. How did he fare?—It was decreed against him.

1886. Was the decree enforced?—I do not know; I believe he may have paid the money out of the conviction, not that it was a good decision, but that he would be put to greater expense in appealing or going to the Court of King's Bench. I am not aware of the remedy there is; I believe the appeal is to the Court of King's Bench at present, but I gave him directions not to submit to it as it was an encroachment. I said they might as well try a judge of the superior courts for fees taken in those courts as trying me and the registrar for taking fees the Act of Parliament gave me; and I desired the registrar to continue to take the same fees from that time to the present, and he has done so.

1887. He has never been summoned again to the court of conscience?—Never.

1888. In that case, was it contended, or was it the ground of the decision of

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the court of conscience, that you had exceeded the limits of your manor?—No, I am not aware that was ever alleged; that the 2*s.* 6*d.*, or whatever it was I took, was against the law.

1889. What ground of illegality could they set up against you in taking these fees?—That they were not authorized by law; but my attorney produced the Act of Parliament, and the charter, I believe, for I was not present, but he came to tell me of it; and he charged me 2*l.* for attending the court for that purpose.

1890. He produced the Act of Parliament and the charter?—I was informed so.

1891. Did he appear for the registrar?—I am not aware that he did.

1892. The registrar acted under the same Act of Parliament and charter that you did?—Precisely.

1893. Then, it was not consistent with common sense that the registrar should have committed a breach of the law, and that you should not have done so?—It appeared to me we were both badly treated; one doubly so; I was badly treated in being summoned before a tribunal which had no authority to summon me, and he was badly treated in being summoned and fined.

1894. But as to the decree of the court, either one or other of you must have been improperly treated?—Yes, as to the decree he was unjustly treated; and as to the summons I was unjustly treated.

1895. In point of law, if you had the case dismissed against you, he ought to have had the case dismissed against him?—Certainly, according to his information.

1896. And if he was properly fined you ought to have been fined also?—Precisely.

Mercurii, 24° *die Maii*, 1837.

MEMBERS PRESENT.

Mr. Bridgman.	Mr. M. J. O'Connell.
Mr. Hamilton.	Mr. Vesey.
Mr. Lucas.	Mr. Villiers Stuart.

MORGAN JOHN O'CONNELL, ESQ., IN THE CHAIR.

Henry Cole, Esq. called in; and further Examined.

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1897. *Chairman.*] YOU have stated in question 556, that you do not exercise any jurisdiction with respect to Grangegorman, except where St. Mary's Abbey is in the city; and you state also in question 615, that you were not appointed to the seneschalship of St. Mary's Abbey until last year. I wish to know whether you had been in the habit of exercising jurisdiction in that part of St. Mary's Abbey which is in the city of Dublin, previous to your getting the grant of the seneschalship of St. Mary's Abbey?—I cannot precisely answer that question, for my registrar may have issued summonses there, of which I have not any certain information.

1898. Then with regard to that part of the city of Dublin which comes within the manor of St. Mary's Abbey, you have left the question as to the boundaries to the decision of your registrar, as you have the question of the boundaries of the county of Dublin?—Exactly so.

1899. Will you have the goodness to refer to question 662; when the marshal takes the custody of goods, as you mention in your answer to that question, where are they kept?—In his store.

1900. Where is the marshal's store situate?—I believe in a place called Manor-street.

1901. Are they under his own private care?—They are.

1902. In his own house?—I have not seen his house, but he informs me that they are under his care, in his store.

1903. Is his store in a central and convenient place?—With respect to the north side of the town, it is convenient.

1904. Is not Manor-street in a straggling, almost suburb, of the city, close to the Phœnix Park?—It is not close to the Phœnix Park; it is near the Circular-road which leads to it, close to a place called Stonybatter: the deputy seneschal held

held his court in old times near Stonybatter, and probably that gave rise to the holding of the store in that place.

1905. Do you consider Manor-street locally central with regard to that portion of the manor of Grangegorman, lying on the north side of the city of Dublin?—I do not think it is.

1906. Do you consider it by any means central or convenient with regard to the populous portion of the manor, which is within the county of Dublin, legally speaking, but practically within the city; I mean that part in the neighbourhood of Mountjoy-square?—It is not within the wealthy part of the manor, and it might be more conveniently situated.

1907. Have there been complaints made of the inconvenience of its position?—I cannot recollect any formal complaints respecting it; there may have been complaints, but I have not a clear recollection of them.

1908. Have you ever seen the store?—No; I cannot say that I have.

1909. Are you aware whether it is unfit for the safe custody of goods taken upon attachment or execution?—For the safe custody I have no doubt, because I have never heard of their being rescued or injured; but on the establishment of a new court and of a new house being taken, I should make it a point to have the storehouse connected with or adjoining to the new court-house, because there it would be more notorious to the manor.

1910. Have you heard any complaint of the want of room in the store, I will not say for the safe but for the careful custody of goods?—I do not recollect any complaints of that kind.

1911. Of what situation in life is the marshal?—I think I mentioned before that I do not know his situation in life, what his actual business is; he is a son of the late marshal.

1912. How long has he been marshal of the court?—Probably about six or eight years.

1913. Does he give you security for the performance of his duty?—There is security given, which is required by the Act of Parliament.

1914. To what amount does he give security?—Without looking to the Act of Parliament, I am unable to state the amount.

1915. Is there a fixed security for every marshal?—I cannot answer that question; I believe sufficient security is given.

1916. In question 1675, you mention that in the course of the last three weeks, you tried a case as high as 96*l.*; have you anything further to state to the Committee with respect to that case?—In that case of 96*l.*, the decree was for 70*l.* Since I left Dublin, an appeal was set down for hearing in one of the superior courts against that decree, and I am credibly informed that the court confirmed the decree.

1917. In reference to question 1704, do you wish to add anything to what you have stated in answer to that question?—I am informed by the marshal, that the rotation brings the duty round to each juror four times a year.

1918. Does that information lead you to believe that four times a year is the average attendance of persons, or that it is the universal rule?—It is the rule observed by him in summoning the same person.

1919. One person is never summoned more than four times a year?—No.

1920. Are there often persons upon the juries who are not summoned, by-standers?—By-standers are frequently put on.

1921. Is that when there is a want of a sufficient number of those summoned?—Yes.

1922. Are they taken from the by-standers in court, or about the court?—From the by-standers in court, who have come there, probably, from having other business, and of course they are rejected when any case relating to themselves, or with any one connected with them, is called on. That is frequently done.

1923. Have you ever heard that the drivers of the hackney cars have been summoned upon your juries?—Yes, I have known instances of it; one instance I can recollect.

1924. Has that been a matter complained of?—Never to my recollection. In that instance he was a householder, and had three or four cars.

1925. Mr. *Villiers Stuart.*] He was, in fact, a proprietor of cars?—Yes, he was a proprietor of cars, and occasionally drove them.

1926. *Chairman.*] If any complaint has been made of the drivers of cars serving on your juries, do you conceive that they have arisen from the single instance you mention?—It might have arisen from that instance. I have no recol-

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lection of any general observation upon such persons serving on the juries; but I now recollect that such a person was on the jury, and he was a man respectable in his line.

1927. But the line generally is not one from which you would consider that respectable jurymen could be selected?—Certainly not, to try important cases. The marshal knows when such cases are to be called on from the nature of the summons; he knows the amount from the summons, and the nature of the cases, and summons juries accordingly.

1928. In question 1803, allusion is made to a charge made against your court, that decrees were left in blank, signed by you, with the registrar; have you ever left summonses or processes in blank, signed by you, with the registrar?—I think I stated in another place, that the summonses were not signed by me.

1929. The summons to the party?—Yes.

1930. I am to understand then, that the summonses to the parties are never signed by you?—No.

1931. By whom are they signed?—They are in print.

1932. Is your name attached to them?—Yes.

1933. And they are left with the registrar to issue?—Yes; but there is a check upon him.

1934. What is that check?—The check is, that they are purchased in hundreds, and he accounts for the number; so that I have a check over him.

1935. Does he let you know the particulars of every case in which he issues those summonses?—The particulars of every case which is called on upon the day of sitting are all mentioned in my book. He records them all, with the amount of the summons and names of the parties.

1936. But supposing the case to be settled after the issuing the summons, and before the day of trial, would he be bound to mention the particulars of that case to you?—I have no recollection that he mentions the particulars, but he mentions the number.

1937. Does he mention to what party the summons has been issued, and the cause of action, supposing the case not to be entered for trial?—I have no recollection.

1938. Is your registrar a legal person?—No, he is not.

1939. Then is he, not being a legal person, left the sole and irresponsible judge of whether the cause of action between the parties is a legal one or not?—He has general directions to issue summonses in all personal actions: having general directions to issue them in all personal actions, he cannot, as I conceive, go astray. We do not try ejectments or titles to lands: I have had no complaints with respect to that particular.

1940. Are you aware of an appeal having taken place in the Court of King's Bench, in which a complaint similar to that made before the Corporation Commissioners was made against your court?—I have no recollection of it; I very seldom inquire into anything that is done on an appeal, except that the registrar informs me generally that such and such decisions have been made by the judge, and I have always heard with satisfaction that the decrees have been affirmed, and that I communicate to the jury.

1941. Then you never have heard, to your recollection, that it was stated on the trial of an appeal in the Court of King's Bench, that decrees signed in blank were left by you with the registrar?—I have no recollection of it: I should think, if it had been stated, I should have immediately noticed it to the registrar.

1942. Do you wish to add anything further to your answer to question 1839?—Since I came to this town I have been credibly informed that the chairman of the Kilmainham sessions tried only 370 cases of civil bills within the last year.

1943. Your day of sitting in the manor court is every Friday, is it not?—Yes.

1944. At what hour do you sit in the Dorset-street court?—At ten o'clock in the morning.

1945. What is the average number of cases each day?—About 20 or 22.

1946. How many days in the year do you sit?—Seventy days in the year at both places.

1947. You stated you generally rose at Dorset-street about one or two o'clock?—Yes.

1948. On what day do you sit at Kingstown?—On the same day, once a fortnight.

1949. At what hour?—At about three o'clock.

1950. How long does your sitting there last?—It sometimes lasts till six o'clock, and

and sometimes it is over earlier. That is every second Friday. Sitting only once a fortnight, that brings me every second Friday to Kingstown; so that I wish to take as little time from the criminal court as I can.

1951. You are also a police magistrate?—Yes; and on those days I am free from the magisterial court; but I always attend on a Friday notwithstanding. I attend every Friday in the year at the police-office; I go from Dorset-street to the police-office, let it be for ever so short a time. If I rise at Dorset-street at two o'clock, I remain at the police-office until half-past two, when I go by the railroad to Kingstown. The expedition of the railroad enables me to save an hour; and I depart from Dublin at half-past two, so as to arrive at Kingstown at three.

1952–3. Are there any police magistrates of your division of the legal profession?—Not in my division; which makes it necessary that I should round the cases in the course of the day, although that day is not in my rotation; but to avoid all observations respecting the manor court, I make it a rule to attend there every day for an hour or two. For instance, when I retire from Dorset-street at two o'clock, except on the Kingstown day, I spend the remainder of the day at the police-office, until three or four o'clock.

1954. Supposing then the cases at Dorset-street were to be greater than the average, on a particular day, and that it was your turn to sit at Kingstown in the afternoon, what should you do with the number of cases that remained over after two o'clock; should you adjourn them?—I should adjourn, so as to accommodate both courts at the precise hour; but such a case has never occurred: I have never adjourned the court. It is one of the greatest advantages in the court, that they are not adjourned except on convenient or sufficient grounds, either from the absence of a material witness, or other causes. Formerly the courts had been adjourned.

1955. I think you stated the service of processes was at the expense of the parties?—Yes.

1956. And by a person selected by the plaintiff?—Yes.

1957. Do you require strict proof of the service of the process?—Strict proof.

1958. Does it require personal service?—It does not require personal service; but what amounts in construction of law to service; for instance, service upon the wife or upon the servant is considered sufficient. Personal service would be very difficult in many cases.

1959. You have stated that you attend at the police-office, in order to obviate complaints which might be made with regard to the manor court; do you not conceive that the fact of your having to leave the manor court at a certain hour, and to attend the police-office, might be made the subject of complaint by the suitors of the manor court, as well as your attendance at the manor court might be made a matter of complaint by the parties who attend the police-office; that is, if the complaint were well founded in the one case, it might be well founded in the other?—It could not be a just cause of complaint; for I adjust it so, that there can be no complaint in any one of the courts.

1960. But I wish to know why you particularise the necessity of attendance at the police-office, as paramount to the necessity of attendance at the manor court?—I do not mention it as paramount; but that I make it a rule to attend at the police-office, though it is not in my rotation to do so, in order to obviate any complaint.

1961. Do you consider your attendance at the manor court equally important with your attendance at the police-office?—I think, on that day, it is probably more important to attend at the manor court, leaving me a discretion to attend the other court or not.

1962. Mr. *Vesey.*] Do all the magistrates attend daily at the police-office?—No.

1963. Then, in fact, the magistrates are not expected to attend every day in the week?—No, I am not expected to attend every day in the week.

1964. Strictly speaking, do you think it would be acting up to your duty as a police magistrate if you did not attend every day in the week?—I should.

1965. And, therefore, if you missed the Friday entirely, and gave up the whole of that day to the manor court, it would not be a dereliction of your duty?—No; I consider not only that, but I may sit in the manor court two days in the week without any observation, or any ground of complaint, attending at the police-office on the other days: that is what they do in this town.

1966. Then, is your reason for being so strict, that as you hold another office, if you are absent any time beyond what you could help from the police-office, some parties, without good cause, might raise an outcry against you from your

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holding two offices?—Not only that, but, from my zeal for the office, I wish, being a barrister, to assist my brother magistrates in all cases where a difficulty might have arisen on a point of law during the morning.

[*The following Letter from Mr. Cole, in reference to Question* 1928, *was subsequently received by the Hon. Thomas Vesey, a Member of the Committee.*]

My Dear Sir, 8, Henry-street, Dublin, 20th June 1837.

When last examined by the Committee, a question I believe was put to me, whether I signed any decrees in blank, and left them with my register. Since I returned I consulted him, and I find I never did so when I was able to attend; but that when I was leaving Dublin, and had appointed my deputy, I formerly signed summonses and decrees for the adoption of the deputy: of late, the deputy signs his own. No injury has arisen from the former very seldom exercised practice, nor could any injury arise from it, there being a sufficient check from the entries in the book under the deputy's hand. No complaint ever came to me respecting it. My anxiety to be correct in every particular makes me anxious to communicate this to you, that you may forward it, if you think necessary, to the Chairman. *H. Cole.*

The Honourable Thomas Vesey.

Timothy Fitzpatrick, called in; and Examined.

T. Fitzpatrick.

1967. *Chairman.*] ARE you a native of the county of Clare?—Yes.

1968. Of what part of the county of Clare?—Corrafin.

1969. Have you resided there from your childhood?—I have resided within a mile and a half of Corrafin as long as I recollect.

1970. Did you reside within the manor of Corrafin, that is, the district over which the court holds jurisdiction?—Yes.

1971. Have you often attended the court there?—Frequently, if I had nothing to do elsewhere, I would just take a turn in.

1972. Out of curiosity?—Yes, out of mere curiosity.

1973. Were you a householder within the manor of Corrafin?—I was for some time.

1974. Have you ever served as a juryman in that court?—Yes, but not very often.

1975. Did you ever serve as a juryman before you were a householder?—Yes, I did, and a good many others besides me.

1976. Who were not householders?—They were not.

1977. Did you hold land within the manor?—No.

1977*. Did you know a man of the name of Shehan?—Yes.

1978. Was he in the habit of serving on juries?—Yes, he was a regular juror.

1979. Was he a householder?—He lived in a house in Corrafin.

1980. Did he rent the house himself?—He partly rented it: there were two men who lived in the house together.

1981. Did he pay the other man for part of the house he had, or did they both join to pay the landlord?—They both joined to pay the landlord; the rent was about 30*s.* a year.

1982. What sort of persons generally served on those juries?—They were idle people about the streets, who had nothing else to do.

1983. Were you ever summoned to attend?—I was once.

1984. Was that after you became a householder?—Yes, it was.

1985. Do you know what persons generally were summoned to attend?—It was very seldom that any one was summoned.

1986. Where was the court held?—It was held in a public-house latterly; before that it was held in the house of a man named John Hindes, who collected the tolls and customs of the town; since then, it was held in a public-house.

1987. How long since?—Since the time of the cholera; I think it was about 1834.

1988. When did you leave Ireland?—Last February twelvemonth.

1989. Mr. *Villiers Stuart.*] Do you know why the court-house was changed?—The man that lived in the house died of the cholera, and therefore they removed the court to the public-house; in fact they moved it to any place they wished; it was not held regularly at that public-house; the seneschal would have it at one public-house one day, and at another public-house on another day.

1990. What was his reason for holding it there?—I suppose he got a room at a public-house cheaper than he could get it anywhere else; for the custom of the day was worth more to the keeper of the house than the charge for the room.

1991. When it used to be held in the toll-collector's house, was the attendance as full as it was after it was held in a public-house?—Yes, it appeared just the same.

1993. Do

1992. The idle people came to one place as readily as they did to another?—Yes, for they had a public-house next door to the toll-collector's house; they had not far to go.

1993. Do you remember how many persons generally were sworn upon the juries?—Sometimes five; sometimes seven: I seldom or never saw more than seven; that was the outside.

1994. Was there always an odd number?—Yes, always an odd number; I never knew it go to 12 at any time.

1995. When the jury had to decide upon a case, was it necessary that all the jurors should agree, or did the greatest number decide it?—I believe the greatest number used to decide it: in fact I never was upon the jury when there was an altercation, but I understood the greatest number decided it. I never was upon the jury more than three or four times, and then there was nothing of any consequence, I may say.

1996. You agreed all together?—Yes.

1997. Was the court kept in an orderly manner?—No, quite the reverse.

1998. Was there a separate place for the jury, distinct from the rest of the court?—No, there was a table like this; and perhaps the jury would be sitting at it, and the crowd would be leaning over them.

1999. Then behind the place where the jury was, the whole crowd might come?—Yes, there was nothing to prevent them.

2000. You say there was a table in the court?—Yes.

2001. Might not the seats for the jury have been placed between the table and the wall, so that the crowd might be kept off?—Yes.

2002. If the seneschal chose, might he not have avoided the inconvenience of having the crowd pressing upon the jury, by placing them between the table and the wall?—Yes.

2003. Mr. *Villiers Stuart.*] Used the bystanders to take any part in the proceedings?—Yes, constantly.

2004. While the jury were consulting?—When the jury consulted, they might go up stairs into another room.

2005. Mr. *Vesey.*] Have you heard any difficult cases tried in that court?—Yes, there have been difficult cases.

2006. When there were difficult cases, did the jury retire to consult?—Yes.

2007. Then it was only in cases of no consequence, such cases as when you served upon the jury, that the jury sat among the crowd?—The jury always sat among the crowd, and sometimes they retired up stairs; in general, the seneschal gave his opinion, and whatever his opinion was, the jury agreed to it, whether it was right or wrong, and never left the court; if there was a verdict for the plaintiff, they sent for him, and he would give each juror 1 *s.*, or something to drink; if there was a verdict for the defendant, it was just the same.

2008. Have you ever got a shilling?—Never.

2009. In case the plaintiff or defendant refused to give the shilling, what would the jury do?—They would not return a verdict then.

2010. Have you ever seen that done?—Yes, I have; I have seen them keep the verdict over for that day; they would not give it to the seneschal if he asked them.

2011. Was the case brought on at another time?—I think in the evening the jury gave the seneschal the verdict, but he was obliged to stand something to drink himself; he would give them a glass of punch or something of that sort.

2012. *Chairman.*] When you have served upon the juries, you say you never had to retire up stairs to consider of your verdict?—Never.

2013. Have you often differed from the opinion the seneschal has given you in his address to the jury?—No, I had no occasion to differ from him; they were all clear cases.

2014. Do you mean to say, in the cases upon which you served, your opinion and that of the jury agreed with the seneschal's opinion?—Yes; there were only five of them; it was easy to agree.

2015. Mr. *Vesey.*] In case any trial were to come on which was likely to be a difficult one, was the seneschal more particular who he summoned upon the jury?—He very seldom summoned any one; when he saw them in the court, he pitched them the book to be sworn.

2016. Did he ever summon them?—Yes.

2017. Did he not summon them if there were difficult cases to be tried?—It was not for that reason he summoned them.

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2018. Mr. *Lucas.*] Can you give us any reason why he summoned on some days, and not on others?—On some days he would have a great deal of business, and he might be afraid, if it was a busy season of the year, that he might not get jurymen.

2019. It was when he was afraid that there would not be a sufficient attendance of jurymen?—Yes, when it was a busy time.

2020. You said a shilling was given to each juryman when there was a verdict?—Yes, by those who could afford it.

2021. Those who got a verdict, paid a shilling to each juryman?—Yes, if the man could afford it; there was a man of the name of Keefe who used to be there very often; he paid it.

2022. If there were five jurymen, 5 *s.* would be paid?—Yes; if there were nine jurymen, 9 *s.*

2023. *Chairman.*] The man, Keefe, you mentioned, was he a farmer who was in the habit of lending money, or selling potatoes at a very high price?—Yes; not a very fair price.

2024. He was rather a favourite in the seneschal's court?—Yes, a regular one.

2025. Used he to pay out his shillings freely?—Yes, very freely indeed; I heard them say he was the best that used to come into the court.

2026. Mr. *Villiers Stuart.*] Did he generally obtain a verdict in his favour?—Most generally; he used to do a good deal of business there.

2027. Mr. *Lucas.*] Whichever got the verdict, whether the plaintiff or defendant, used to pay the shilling?—Yes.

2028. They did not make a bargain with them, that if the plaintiff or defendant would give a shilling, he should have a verdict in his favour?—No, they would retire to a separate room, and when they agreed among themselves, they would send for the plaintiff or defendant, whichever it was they found the verdict for; and the rule was, before they gave their verdict, he should pay the shilling down.

2029. So that, whichever way the verdict went, they managed to be sure of their shilling?—Yes, from the man they found a verdict for.

2030. *Chairman.*] Did you ever know, that, instead of getting a shilling, they have asked for some drink, while in the room up stairs, before they came down?—Yes, from those who could not afford to pay the shilling; it would be cheaper to give them a glass of punch than a shilling.

2031. Mr. *Vesey.*] Do you mean to say that the seneschal knew that the punch was to be given to the jury?—Yes; the seneschal treated them if nobody else would.

2032. The seneschal himself would treat them?—Yes, if they had no other chance.

2033. *Chairman.*] When you were upon the jury yourself, when you had no occasion to retire, in those cases did the seneschal give them anything to drink?—He gave me a glass of punch on one occasion.

2034. Mr. *Lucas.*] Was that before or after the business was over?—It was after the business was over.

2035. *Chairman.*] Were the jury sober while the business was going on?—I have seen a drunken man upon the jury more than once or twice.

2036. Mr. *Lucas.*] Then he must have been drunk at his own expense?—Perhaps he was drunk before he came to court.

2037. But not with drink given him by the suitors?—That I cannot say; they might meet him before he came into court.

2038. Mr. *Villiers Stuart.*] Have you ever seen a man sworn before the seneschal when he was in a state of intoxication?—I have seen a man sworn in a state the worse for liquor; I cannot say he was drunk.

2039. Mr. *Lucas.*] When he was not in a state to do business?—Yes.

2040. Mr. *Vesey.*] Do you think the seneschal knew that he was in that state?—I cannot say.

2041. Mr. *Lucas.*] Was he what they call in Ireland "incapable"?—Yes, he was incapable of doing business.

2042. Mr. *Vesey.*] Do you think the jury generally came to the court to obey the orders of the seneschal, or for the sake of getting the whiskey?—I think that some of them never would come if they did not get the shilling or the whiskey.

2043. *Chairman.*] At what time in the morning does the court generally sit?—About 12.

2044. Did the seneschal live near at hand?—No, he lived 10 miles from the place; he kept courts at three or four places besides Corrafin.

2045. Is the manor of Corrafin in the barony of Inchiquin?—Yes.

2046. Does it extend over the whole barony?—I think not; there have been disputes at different times about it.

2047. Between some of Lord Thomond's tenants and the officers of the court?—Yes; if the place did not belong to the manor, there was a rescue and a fight about it.

2048. You say rescues took place in the execution of decrees?—Yes.

2049. Have those rescues generally been when there was a dispute about the execution of a decree, on the ground that the place was contended to be out of the manor?—Yes, there have been rescues at different times in consequence of the place not belonging to the manor; sometimes it might be from the hardship of the bailiff in executing the decrees.

2050. Where the place has been acknowledged to be within the manor, and there was no dispute upon that point at all, do you mean to say there have been rescues in such cases?—Sometimes.

2051. Was that in consequence of some hardship on the part of the bailiff in executing the decrees?—Yes, it may have been in consequence of some hardship on the part of the bailiff, or the man might say, though the decree was granted, it was a robbery, and he would not let his cattle go.

2052. Mr. *Villiers Stuart.*] Was that from want of confidence in the court?—Yes, just nothing else.

2053. In what situation of life is the seneschal of that court; is he in any trade?—No, not that I know of; I believe he is a man of property.

2054. *Chairman.*] Have attornies ever come to practise in that court?—Yes, regular attornies come sometimes; very seldom.

2055. When there was a matter of some importance before the court?—Yes; or where there was some irregularity in the proceedings.

2056. Did any persons not attornies act before the court?—Yes, some of the bailiffs would act as attornies; any person, in fact, might act as an attorney before that court.

2057. Did those persons who acted as attornies charge any fee for so acting?—I do not know.

2058. Did you ever see a woman act as an attorney?—Yes.

2059. In what cases?—In different cases.

2060. In what way?—Interfering with the witnesses, asking them questions relating to the case, as any attorney would do.

2061. *Chairman.*] Was she a married woman?—She was a widow; both her sons acted as bailiffs in the court or as process-servers.

2062. Do you know whether she charged any fee for her services?—She used to get plenty of drink; and if a decree was obtained, her sons would be sure to get the execution; they would get something by that.

2063. Was she an elderly woman?—I suppose 50 or 60 years of age.

2064. Had she been the wife of the bailiff?—Yes, her husband was bailiff, and her two sons.

2065. Did she practise during her husband's lifetime?—Just the same.

2066. Did he ever practise as an agent himself?—Yes, the husband did.

2067. Did it happen that the husband and wife took different sides of the question?—No; because she would only practise at such time as she was interested, when the sons served the processes.

2068. Do you know whether she used to charge any fee?—I believe she did not.

2069. Had you ever brought an action in the court?—I cannot say I had; not that I recollect.

2070. Had you an action brought against you?—No; anything we had, we always took to the quarter sessions.

2071. Though you lived in the manor?—Yes.

2072. Mr. *Villiers Stuart.*] Why did you do that?—Because it was less expense, if nothing else.

2073. Mr. *Vesey.*] What distance is the nearest quarter sessions?—About seven miles from the town of Ennis.

2074. Mr. *Villiers Stuart.*] Do you mean the regular costs of this court were higher than that of the assistant barrister's court, or the irregular costs?—They were very nearly double as high.

2075. Do you mean the costs they had a right to charge?—I cannot say what they had a right to charge.

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2076. Can you state what costs they charged?—First, I must pay 1*s.* to the seneschal for the process, then I must pay 6*d.* for filing, and 6*d.* to the bailiff for serving, that is 2*s.*; then I must pay him 2*s.* 6*d.* entering money, for entering the process; then if I got a decree, I must pay an attorney 2*s.* for filling up the decree for me, even if he never spoke a word.

2077. Then the costs of the court are 5*s.* 6*d.*?—Yes.

2078. And then you had to pay 2*s.* to an attorney?—Yes; unless I could do the business myself, which is very seldom the case.

2079. Do you mean that you are obliged to employ an attorney?—Yes; the seneschal would throw the decree to me; he would not fill it up unless he is paid for it.

2080. *Chairman.*] Then the seneschal charges you 5*s.* 6*d.* for giving you a blank decree?—Yes; he says he is not obliged to fill it up without being paid for it; and if an attorney fills it up, you pay him 2*s.*

2081. Does the seneschal refuse to fill up the decree if he is paid a shilling?—I do not know that; he says he is not obliged to fill up the decree; you may get it filled up, and then he will sign it.

2082. Who decides what amount is to be stated in the decree?—There is nothing stated in the decree.

2083. Does not the seneschal say what the amount is which is to be decreed?—Yes.

2084. Does he not put that into the decree himself?—No, it is stated upon the back of the process what sum it is obtained for, and that is what a decree is granted for; he takes the process and marks D. upon it, and then of course the decree is filled up from the sum specified in the process.

2085. Supposing the whole costs were only 5*s.* 6*d.*, would the manor court be still more expensive than the assistant barrister's court?—I should think so.

2086. What are the expenses in the assistant barrister's court?—In the assistant barrister's court, it is only 7*d.*; 1*d.* for the process, and the bailiff who serves it has 6*d.*; I pay an attorney 5*s.*, and I have no more trouble about it; I have a decree also, either against the body or goods, in any way I wish; and I cannot get a decree in the seneschal's court except for the goods, and it may be not in the jurisdiction after all.

2087. In the assistant barrister's court, have you any fee to pay to the jury?—No.

2088. Mr. *Villiers Stuart.*] How often does the assistant barrister hold his court?—Four times in the year.

2089. Does he sit the whole four times in Ennis?—No; three times in Ennis and once in Sixmile Bridge; and in the other division, once in Ennistymon, twice in Kilrush, and once in Milltown.

2090. Mr. *Vesey.*] If there were proper juries to try the different cases, and the fees were the same as in the assistant barrister's court, would you not prefer the manor court?—No, I would not.

2091. On what account?—Partly, because it would not answer my purpose to make use of the manor court; for, if I could not take the goods of the party, I could not take his body; the process in the manor court can only decree for the goods; the assistant barrister can decree against the body or goods.

2092. Is that the only reason why you would prefer the assistant barrister's court?—If everything was as regular in the seneschal's court as there is in the other, it would be handier to a man to go there, and he would not have to wait so long for his money.

2093. Do you prefer having your cases tried by a jury to having them tried by the barrister?—I do not know how that is; there is generally a jury sworn in the barrister's court.

2094. *Chairman.*] Have you often tried cases in the barrister's court?—Yes.

2095. Mr. *Vesey.*] Did you see a jury sworn there?—Yes; I thought there was a jury of three.

2096. *Chairman.*] Is the barrister in the habit, where there is a disputed account, or a case which turns upon the credit of a number of witnesses, of swearing three persons to act as a jury?—Yes, where there is a contested process.

2097. Do you think those three persons who are so sworn are far better judges of the facts, and more fit to decide the case than the five or seven who are sworn in the manor court?—Yes, or than any number of the kind that are sworn there.

2098. Do you know any parts of the country which are a long way from the sessions town?—Yes.

2099. You mentioned just now that at Ennistymon and Milltown, which is in the western part of Clare, the sessions are only held once a year?—Yes, and twice in Kilrush.

2100. Then, in those parts of the county which are near Ennistymon and Milltown, which are either of them a long way from Kilrush, is it not a great inconvenience to a man to wait for six or nine months for his debt till the barrister comes to those towns?—Yes, it is a great inconvenience, for the sessions is 28 miles from them, even at the court at Kilrush.

2101. Mr. *Villiers Stuart.*] Is there much business at the court at Corrafin?—Yes.

2102. What number of cases are there generally in a day?—Of petty cases there are generally 30; sometimes 40 or 50.

2103. To what amount do the debts generally run?—What we call petty cases are generally under 5 *s.*: there would be 60 or 70 summonses out in such cases, and the seneschal only gets 6 *d.* for them. Above 5 *s.* there might be 40 or 50.

2104. Does he decide cases under 5 *s.* without a jury?—Yes.

2105. The seneschal decides them himself?—Yes; there is no jury required for anything under 5 *s.*

2106. That is, the seneschal does not require it?—No; he will sign a decree upon a man's own oath.

2107. Did you ever hear any complaint made of the seneschal having decided a case without a jury, even although it were below 5 *s.*?—Yes, certainly, at different times.

2108. Has he ever had any difficulty in enforcing a decree in such a case?—I do not know how that might be; he would take it upon his own judgment to say whether it was right or wrong. If a man was summoned for 4 *s.* 11½ *d.* the plaintiff gave the seneschal 6 *d.*, and he would swear him and ask if the money was justly due to him; he would say "Yes;" and the defendant would give him 6 *d.*, and swear it was not due; so that it would go according as the proof of it might be, as the seneschal never could say which was right or wrong.

2109. All that goes on without the assistance of a jury?—Yes.

2110. *Chairman.*] On each of those cases you say the seneschal has a fee of 6 *d.*?—Yes.

2111. How many of those cases would there be upon each court day?—There might be about 60 some days.

2112. But generally?—Generally there would be about 40.

2113. Are you acquainted with any other manor courts in Clare besides that at Corrafin?—No.

2114. I asked you as to the inconvenient distances of some of the districts from the sessions town; do you not think, in those districts, it is very important to the poorer people who have debts and matters of account between them, that there should be a court sitting oftener than the sessions court sits, and nearer to them, for the recovery of debts?—Yes, the manor court is very handy to them.

2115. No matter whether you call it a manor court, or any other court; do you not think there should be a court of that sort sitting near them?—Yes, it would be very advantageous if the magistrates had the power of settling these small debts.

2116. Do you mean in wages' cases?—They have the power of settling wages' cases.

2117. In fact, do you know that the people complain that they have not an opportunity of settling their disputes often enough?—Yes.

2118. Mr. *Villiers Stuart.*] Do they bring wages' cases before the manor courts?—Yes.

2119. Is there not a petty sessions held at Corrafin?—Yes, once a fortnight.

2120. Then how do you account for their bringing their wages' cases before a court so conducted, when there is a petty sessions at hand?—I do not know, except that I have known them have their cases dismissed at the petty sessions, and then they have tried it on in the seneschal's court.

2121. Would he entertain such cases?—Yes; he would try it on.

2122. *Chairman.*] You say you avoided the court as much as possible?—Yes, I avoided being on the jury as much as possible.

2123. And avoided having business in the court?—Yes.

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2124. Is it considered in the country not a respectable thing to be commonly concerned in the court?—It is considered not respectable.

2125. Do the better class of farmers, and men who have a regard for their characters, frequent the court or avoid it?—They avoid the court; in fact it is generally the thought of the people that no persons will have any business in the court except those who cannot recover their debts at the sessions; that is what is on the minds of the people. Let the case be ever so clear, they think the parties never would go to the seneschal's court, but that they could not recover at the sessions. I have known Keefe have 30 or 40 summonses a day, and I have heard that he would not bring them to the seneschal's court, if he thought he could recover at the sessions.

2126. Do the people often appeal from those decrees?—Yes.

2127. Mr. *Vesey.*] Are they always upset?—Not always; very often.

2128. When you say that a man would not go into the seneschal's court unless he found that he should fail in the barrister's court, do you mean by that, that his case is so unjust that he could not appear before the barrister's court?—Yes; or perhaps not having sufficient proof to obtain a decree before the barrister; the case may be just or unjust; there is many a just debt where the party has not a witness to prove the facts, to enable him to recover the debt.

2129. *Chairman.*] Do you know what is the highest sum they bring actions for in the Corrafin court?—Anything under 10 *l.*

2130. Mr. *Bridgman.*] Then the jurisdiction is not the same as the barrister's?—No.

2131. *Chairman.*] There are processes which are called "distringases" against goods; are those processes issued from this manor court?—Yes; a distringas issues and the goods are taken, and the process is served the next day.

2132. Is there great hardship felt in the country from the execution of those distringases?—Yes, and often murder is very nearly committed in consequence of it.

2133. Mr. *Villiers Stuart.*] Do you mean that the goods are distrained before the cause is inquired into?—Yes, before ever the cause is tried.

2134. And bail is required for the goods before even the party can come into court?—Yes, or else the goods are kept: if cattle are taken they are kept in pound until the next day.

2135. For how long a time before the court day?—That depends upon the time the distringas is taken out and executed.

2136. Mr. *Bridgman.*] Have you known many instances where the distringas has been taken out for the purpose of harassing the debtor?—Yes, I have; when they think it is too long to wait for the court day, they take out a distringas, and take a man's cattle, and after that they process him, and then perhaps it is tried the next day.

2137. Have you ever known them take out a distringas when there was no danger of the debtor leaving the country?—Certainly; I have known a distringas to be granted against a man who had eight or nine milch cows, a very comfortable farmer; I dare say a 10 *l.* freeholder. There was one man who lost his life in resisting the execution of a distringas.

2138. In a fight which arose?—Yes; he thought it was a hardship to see his cattle taken, and the people collected about him, and the man who had the distringas had 30 or 40 people with him; a fight arose, and the poor man died soon after from the beating he got. There were some of the other people nearly killed also.

2139. Do you know that those distringases have been left with the bailiffs, that they may fill them up and issue them?—They are always left where the court is held, where the processes are given out.

2140. Do you know if the seneschal requires any affidavit before it is issued?—It is very seldom he requires an affidavit; he tells them it is a thing he should do, but I believe it is very seldom that he requires an affidavit.

2141. *Chairman.*] You do not know that of your own knowledge?—No; I have not been present at the time.

2142. You only speak from the common report?—Yes; what they said was done when they got the distringas; I asked them if they were sworn, and they said not.

2143. Mr. *Bridgman.*] What is the expense of a distringas?—Seven shillings.

2144. Is that added to the decree?—Yes.

2145. Does that money go to the seneschal?—Yes, of course.

Martis, 30° die Maii, 1837.

MEMBERS PRESENT.

Mr. Bridgman.	Mr. Villiers Stuart.
Mr. Jephson.	Mr. Emerson Tennent.
Mr. M. J. O'Connell.	Mr. Vesey.

M. J. O'CONNELL, ESQ., IN THE CHAIR.

Thomas Davison, Esq., called in; and Examined.

Thomas Davison, Esq.

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2146. *Chairman.*] ARE you seneschal of any, and what manors?—I am seneschal of two manors; one is called the manor of Glenarm, the other the manor of Oldstone. The manor of Glenarm comprises, I may say, the entire barony. The manor is divided into two parts, upper and lower, and it takes in the whole barony, with a very trifling exception.

2147. Is the other manor an extensive one?—The other is an extensive manor also; it takes in the barony of Kilconway, in the county of Antrim.

2148. Are they both populous districts?—Both populous districts.

2149. Are there any towns of considerable population in either district?—In Glenarm there are three towns, Glenarm, Larne and Cushindall. Larne is a considerable market town, with a population certainly exceeding 2,000. Glenarm and Cushindall are small towns. In the manor of Oldstone there are no towns; there are some small villages; I may say it is a completely rural district.

2150. I understand you to say the manor of Glenarm comprehends the whole barony, with trifling exceptions?—Yes.

2151. Of course, in that part where the bounds of the manor are identical with those of the barony the boundaries are very easily ascertained?—Perfectly so.

2152. Are they equally ascertainable between the manor and those parts of the barony which are not within the manor?—Yes; the only exception in the barony is a small portion of a district of land held under the see of Down and Connor, and they are perfectly defined.

2153. Are the lands in these manors generally held under the one proprietor?—Yes; in many cases the lands are granted off; in fact, when you say the proprietor, there is the family of Antrim, for instance, they are the original proprietors of these manors, but many of the lands are granted off; there are many held under fee-farm rents, and grants for lives renewable for ever.

2154. Are there chief-rents or quit-rents reserved?—There are in all cases chief-rents and quit-rents.

2155. What portion of the manors should you say, at a rough guess, in general, remains in the hands of the lords of the manors?—It would form a very small proportion indeed of the entire contents of the manors.

2156. Then the tenants of the manor, those who are liable to serve on juries and perform the other duties connected with the manor courts, do not generally hold in any way under the lord of the manor?—Not unless in the towns. In the towns they all hold immediately under the lord of the manor; that is at least in the towns of Larne and Glenarm, and they pay a chief-rent. In the country districts, generally with some exceptions, they do not hold immediately under the lord, they hold under the lessee of the lord of the manor or the fee-farm proprietor.

2157. Where are the courts held for those manors?—In the manor of Glenarm the courts are held alternately in the town of Glenarm and in the town of Larne, but they are held twice in Glenarm for once in Larne. I should perhaps explain why that is. Originally they were held entirely in Glenarm; but, at the request of the inhabitants of Larne, who felt it as a convenience, and who memorialized the lord of the manor, that there should be a court held occasionally there, it was arranged that it should be held twice in Glenarm for

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once in Larne. I think it was after Mr. M'Donnell came into possession of the estate. He considered it would be attended with convenience to the inhabitants of Larne, and agreed to their request. The court is held at intervals of once in each three weeks.

2158. At each of those places?—No; it is held altogether once in three weeks. I have brought with me a list of the courts for the year 1837, which is published at the commencement of the year, and shows the different dates at which the courts are to be held, and at what place they are to be held. [*The same was handed in.*] There is a period of three weeks between each court.

2159. That is a list of the courts for the manor of Glenarm?—Yes.

2160. Have you a similar form of notice for the manor of Oldstone?—Precisely the same, only it does not vary there; it is held in the one place, in the village of Clough.

2161. Is that nearly in the centre of the manor?—It is a central situation.

2162. How are the towns of Larne and Glenarm situate with respect to the manor of Glenarm?—Glenarm, I should say, is almost the centre; Larne is at the extreme end.

2163. I suppose you hold the court at Larne in consideration of the population of the town?—Entirely in consideration of the population of the town. It was at the request of the traders and the inhabitants upon a memorial signed by them, that the alteration was made.

2164. What is the pecuniary jurisdiction of both those courts?—£.10 of the present currency; that is under the charter.

2165. Are you a barrister or an attorney?—No, I am not a legal person.

2166. Are you a magistrate of the county of Antrim?—I am.

2167. Does the process of attachment issue in those courts?—It does.

2168. Do you make much use of it?—Occasionally; I should not say I make much use of it. I do occasionally issue attachments, but never unless upon affidavit. I receive an affidavit from the party precisely similar to what would be taken for the marking of a writ, an ordinary *capias*, making them set forth their cause of action, that it has arisen within the manor, and the particulars; and I make them negative that any tender of the money has been made to them. It is precisely such an affidavit as would be taken for the grounding of a writ. I have the form of the affidavit that is usually taken with me here, and the form of attachment.

2169. Have the goodness to deliver them in?—[*The same were delivered in.*] —The affidavit varies, of course, according to the cause of action; it is stated here as "goods sold and delivered;" but I have made a marginal note to that, "or setting out the cause of action, as the case may be."

2170. "Goods sold and delivered" is the most common cause of action?—I should say the most common cause was upon a promissory note; those cases are the most numerous. The proceeding by attachment, I think, is seldom resorted to but in cases where parties are fearful either of a fraudulent removal of property, or a desire to evade the payment of some debt; that the party is under such circumstances that the property might be taken up in other ways, or that he is likely to remove out of the manor. That is the usual cause.

2171. You always require them to show that the cause of action arose within the manor?—Yes, I set it forth in the affidavit, generally, that it has arisen within the manor.

2172. Supposing the defendant in the case to reside without the limits of the manor, but at the same time the cause of action arose within the manor, for instance, a transaction of buying and selling, or passing a promissory note, or whatever the cause of action might be, have you ever known in that case the goods of a defendant, not residing in the manor, seized as they were passing through?—I cannot say that at present I recollect an instance of that kind occurring; it may have happened.

2173. Are the suitors, both plaintiff and defendant, generally resident within the manor?—Generally. Sometimes the plaintiff may not be resident, particularly in the manor of Oldstone. There is a large market town, perhaps the largest in the north of Ireland with the exception of Belfast (Ballymena); and I have known suitors from Ballymena proceed against defendants in the manor court of Oldstone upon promissory notes, or cases of action arising there. I have known them proceed occasionally, but not to a great extent. The parties are generally residents of the manor.

2174. The

2174. The process of attachment is against the goods?—Invariably against the goods. I consider we have no power against the body; the Act of Parliament abolishing arrest on mesne process in all cases where the debt is under 20*l.*, and our jurisdiction being under 10*l.*, I conceive we have no power; it is, therefore, invariably against the goods.

2175. Where are your courts held; in what sort of houses?—There are regular court-houses.

2176. In each of the three towns?—Yes; there is a court-house at Glenarm, the original court-house; it is now not in very good repair; we are about getting it repaired; and in the meantime the courts are held in a large school-house, where there are two apartments. It is a large commodious school-house, which affords as much accommodation as the other; but there is a court-house in Larne, and a court-house in Clough.

2177. Is the court-house in Larne the quarter sessions court?—It is not, it i the petty sessions house; in fact, it is private property of the lord of the manor, and he has given the use of it to the petty sessions. Larne is not a quarter sessions town.

2178. Is the court-house in Clough the quarter sessions court?—The court-house in Clough is a building expressly for the purpose; at what period it was built I cannot exactly say, but it has undergone repairs, and consists of a considerable sized hall, a place for holding the court, a jury box, two jury rooms, one for the petty jury to retire to, and the grand jury room where the courts leet are held. I lately gave the use of it to the petty sessions; they applied for it, and I gave it to them, and the petty sessions are now held there; but I look upon it as the property of the manor, and exclusively for the manor court purposes.

2179. Mr. *Villiers Stuart.*] How long have you been seneschal of the court?—Of the one I have been seneschal 16 or 17 years, of the other I have not been so long; I think 10 or 12 years, or perhaps longer.

2180. Do you know how long these courts have been regularly held in the manors?—For a very long period, I should suppose; I have records in my possession going as far back as a century.

2181. Mr. *Vesey.*] I think you stated the jurors did not always hold directly under the lord of the manor?—Not directly.

2182. Do you find, in the cases where they do not hold directly under the lord of the manor, you have a difficulty in getting these jurors to attend?—I have no difficulty in the rural districts. A summons is issued to the farmers some days before the attendance of the jurors is required. I have no difficulty in the rural districts of Oldstone, nor have I much difficulty in Glenarm. When I say there is not much difficulty in Glenarm, I have sometimes found a difficulty in getting a proper class of jurors in Larne, and that I attribute to the occupation of the people being greater. They do not refuse to come, but they have said to me frequently, "If you can do without me I shall take it as a favour, if you require me send for me."

2183. In the case of Larne, have you ever suffered inconvenience from the non-attendance of the jurors?—I cannot say I have been left so as to suffer much inconvenience; I have sometimes been obliged to wait for a jury.

2184. Do you ever hold a court with a jury of less than 12?—Never less than 12.

2185. What description of persons are they generally?—My object has been to summon the most respectable class of persons, shopkeepers or farmers; I have stated to them, "it is of more importance to you than to me that there should be a respectable jury to attend the court, and you will not feel offended if I issue a summons to a person in at least as good a class of life as those usually summoned to the assizes." I explained that to them, and I generally get a respectable class of jurors.

2186. When you say you have no difficulty in obtaining jurymen, do you think they attend in order to render the court as useful and efficient as they can?—Yes, I think so.

2187. In order to make it of more importance?—Yes; I have stated to them that it was of great importance to them as well as to all the suitors who came before them, that the jury should be as respectable, and the court as efficient, as possible. I have impressed that upon them.

2188. Do the jury decide upon each case separately, or wait until several

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cases have been heard?—I have invariably made them decide upon each case separately. As soon as a case is tried the book is handed over to them, the verdict is recorded, and signed in the same form as an issue at the assizes by the foreman, who signs the verdict for himself and fellows, for the sum decreed, or that the process is dismissed by finding a verdict for the defendant; that occurs after each case is tried without letting a second case go before them.

2189. In summoning the juries, do you summon the tenants of the manor in rotation?—I usually endeavour to do so; I have made out a list for that purpose. When I first became seneschal in the district of Larne, I got one or two of the most respectable traders to make out a list of the people they considered qualified, I looked over that and made up the most correct list I could; and, as the court occurs at Larne only once in nine weeks, I have generally endeavoured not to have the same persons summoned twice. I have usually endeavoured to have a mixture of the country jurors and the town jurors, as far as I could accomplish it, and I think I have succeeded in doing so.

2190. Mr. *Villiers Stuart.*] In what period do you mean by twice?—Twice following; the court in Larne would be held once in nine weeks, and I generally endeavour not to have the same jurors upon my books twice following.

2191. Mr. *Vesey.*] When you summon a jury, do you summon more than 12?—Invariably more than 12; because I have sometimes occasion for a second jury. A jury may disagree, and I have found it necessary to swear another.

2192. Have you known parties object to any of the jury?—Yes, I have.

2193. Do you allow them in those cases to challenge the jury?—I generally inquire the cause of objection; if it is from their being nearly related, or having expressed any opinion upon the case before, in short anything which would appear to me to affect the decision, I allow the challenge. I think the jurors are more in the habit of objecting themselves. I have found the objection more frequently come from the jurors; but I have known instances of the plaintiff or defendant stating he objected to a juror; I have inquired into the cause of objection, and if I found it was one which had any weight in it, I set the juror aside.

2194. Do you set him aside for that case only, or for the whole of the day?—As a matter of convenience, it is generally for the rest of the day; for unless the jury disagree I go on with the same jury, so that I have no occasion to empannel him again. I generally found the person was very willing to get released from the duties.

2195. *Chairman.*] You stated that you have impressed upon the jurors the necessity of respectable persons attending, in order to secure the respectability of the court. Was there any necessity upon your first coming into office to impress that truth upon them? Did you consider the class of jurors before your coming into the office was not so respectable as it ought to be?—I thought it was not so respectable as it might be; I was anxious to get a more respectable class of jurors to attend.

2196. Was your predecessor generally considered an efficient person?—In one sense, I should say, he was not an efficient person; for in one of the manors (Glenarm) he was an elderly man, and was a person of indolent habits; he was a solicitor, but he did not much attend to the duties of the manor court. In the other manor (Oldstone) the seneschal was a gentleman of great respectability and of very considerable property in the county; and he had not latterly much attended to the court, and was, in fact, desirous of giving it up; but in his case I did not know so much of it. The instance I alluded to was of the Glenarm seneschal, who was not at that time efficient. He was a man of very good intentions, and was generally looked upon as a very proper person, who would not err wilfully; but I think he was an indolent man, and did not give himself much trouble in selecting the jurors.

2197. You stated that at Larne you made out a sort of jurors list; do you follow the same practice in Glenarm and the other manor?—In Glenarm, I may say, I do; but I happen to be residing there, and I know the people all round; I, therefore, do not find the thing so necessary, but I have a list also, and I follow the same practice.

2198. In each case do you select the persons who are to be summoned yourself, or do you leave any discretion on the subject to your marshal or bailiff?—I think in the manor of Glenarm I generally select them all myself. I usually direct what persons are to be summoned.

2199. Mr. *Vesey.*] Do you consider it necessary before the jury retire to draw their attention to the points of law?—I generally find it necessary to call their attention to the evidence which has been given, and where I think there is any likelihood of any difficulty, or where there is conflicting evidence, I have usually stated to them the leading points of the evidence, and of the law. I have called their attention to it, and stated it was their province to decide where the evidence was conflicting, and that they would give their attention to it.

2200. In case the law of the case and the equity were at all at variance, to which side would the jury be inclined to lean?—I think invariably to the equity of the case, and in fact they have told me often, "we are not judges at all of the law, but our province is to decide, as we consider, upon the equity;" and in some cases I have found them differ from me upon that.

2201. Do you think the decisions of the jury generally give satisfaction to the suitors, whether the plaintiff or defendant?—I think they generally do give satisfaction.

2202. Mr. *Villiers Stuart.*] Do you think that many cases come before you which require some knowledge of law in the seneschal?—Not a great many which require any great knowledge of law. I think there are many cases which require some knowledge of the rules of evidence.

2203. Mr. *Vesey.*] Do you think there are any cases coming before you which involve points of law which a magistrate ought not to be fully acquainted with?—My impression at present is, that there are very few points involved in such cases which a magistrate ought not to inform himself upon. There would, of course, be cases which might not come within that rule.

2204. Mr. *Villiers Stuart.*] Does a case ever arise where the jury return their verdict according to equity, but contrary to the law?—Yes sometimes; I recollect a case just now, in which I thought the jury returned their verdict according to the equity, but contrary to law.

2205. Will you state the case?—It was a case of spirits sold by a public-house keeper, the greater part of which was drank on the premises. The action was brought on a settled account; and I observed to the jury, that though the money appeared to be due, and the account to be settled, it was contrary to law to decree for spirits sold in that way, and they returned a verdict contrary to my declaration, stating, "We have nothing to do with the law, we consider the account to be settled." I advised an appeal upon the case, but however it was settled in some way or other, for they did not bring it forward again.

2206. What extent do the two manors comprise?—I have taken a note from the Ordnance Survey, from which it appears that the manor of Glenarm comprises about 90,000 acres, which would be about the area; the manor of Oldstone comprises about 68,000 acres.

2207. Do you know what the population of these two districts is?—It is considerable; I could not state exactly at present; but it is very considerable.

2208. Does the assistant barrister hold any court within those manors?—No. The nearest point in the one is Carrickfergus, the county town, which is 10 Irish miles from Larne; the next is Ballymena, which is 13 Irish miles from Glenarm. Those are the nearest points to that manor where the assistant barrister's courts are held.

2209. And Glenarm is the centre of the manor?—Yes.

2210. Mr. *Vesey.*] What distance is Clough from the nearest quarter sessions town?—It is six or seven miles distant from Ballymena.

2211. Clough is the centre of the barony of Oldstone?—Not exactly the centre.

2212. In the manor of Oldstone, which do the suitors prefer going to, the manor court at Clough, or the quarter sessions court at Ballymena?—That, I should suppose, would entirely depend upon circumstances; almost all the small debts are recovered at the manor court there. The reasons they have assigned to me were generally that they were detained a shorter time, the business being all over within a day; and in going to the sessions, from the mixture of civil and criminal business, and the great weight of business now there, they were very often detained for three or four days.

2213. And even though they have as great a distance to travel to the manor court as to the sessions court they prefer the manor court?—Yes; in some cases they can get to the quarter sessions by a shorter distance, but the uncertainty of the time at which they can get back again, and the witnesses being detained so long,

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long, puts them to a very considerable cost. The costs of a proceeding by civil bill at the sessions and in the manor court are pretty much alike.

2214. You said, in the case of jurors, you generally select the jurors partly from the town and partly from the rural districts?—Yes, that has generally been my habit.

2215. Do you think the jurors from the town are inclined to lean to the town suitors or to the country suitors?—No, I have never found any leaning of that description.

2216. That is, in fact, whether the jurors are from the town or from the country they are quite impartial in their verdict?—Yes, I think so; I have never found an instance where I could charge them with partiality.

2217. Have you never heard complaints of the manor court being made an instrument of oppression by the shopkeepers in the towns against the poor inhabitants of the country?—Never; I have heard it stated that the holding of the manor court was a convenience, and if taken away or removed from them, or abolished, they would feel it as a serious grievance.

2218. Do you mean both the inhabitants of the country and the inhabitants of the town are equally favourable to the manor court?—I have never heard any objection; on the contrary, I have heard them express themselves favourable to it; and I remember when the inhabitants of Larne memorialized to get the court held, they did it on the ground that it would be a great convenience to the poor in the recovery of small debts.

2219. Were the memorialists from the country parts as well as the town?—Yes, from the country as well as the town, the district immediately adjoining the town.

2220. Mr. *Villiers Stuart.*] Can you tell the Committee whether every part of the county of Antrim has a manor court? Whether the manor extends all over the county of Antrim, or whether there are districts without the benefit of manor courts?—There are many manors I know in different parts of the country; I am not prepared to say whether there is a manor court in every district. There is a manor court adjoining mine, which was originally under the same charter. The seneschal of that manor is the agent of the present Lord Antrim; and there is a manor court again, west of Glenarm, between Ballymena and the manor of Glenarm on the other side.

2221. I think you stated that the reason parties preferred the manor court was, that there was so much business to do at the assistant barrister's court, that they were liable to be detained at that court?—They generally stated that to me as one of the reasons; that they got off from the manor court with a detention of never more than a day, at the farthest, attending during the morning with their witnesses.

2222. Do you mean that there is so much criminal or so much civil business in the barrister's court?—In the barrister's court the criminal business is separated, and in some districts they commence the civil business first, and in others the criminal business. It is always an understood arrangement which is to begin first.

2223. Are you able to say whether that civil business comes chiefly from those districts where there are no manor courts in the county of Antrim, or whether it comes from all parts of the county?—I cannot state that; but I should imagine it must lessen the business considerably at the sessions, the cases disposed of at the manor courts.

2224. How does it happen, as the sessions are so frequently held, that there is such a pressure of business at the barrister's court, unless that court be preferred by the people?—I cannot say.

2225. I understand you to say that there was a great quantity of civil business to be gone through at the assistant barrister's court; I wish you to explain, if you can, your opinion how it is that there is such a pressure of business where there are manor courts held for the civil business of the county so frequently?—The district there is a highly trading district, and there is a great deal of manufacturing, and a great many cases will arise; and a great many may arise in districts where there is no manor court.

2226. *Chairman.*] Are you aware whether, in general, the manor courts have as extensive pecuniary jurisdiction as your own court?—Some of them I know have more. The courts upon Lord O'Neill's estate, have a 20*l.* jurisdiction, and some of the smaller courts have it only to 40*s.*

2227. Are

2227. Are you aware of the great quantity of civil bill business in different counties in Ireland, considered relatively to their population?—No, I cannot say I am.

2228. Have you heard, or is it a general impression, that Antrim has more business in the assistant barrister's court, in proportion to its population, than other counties of Ireland?—As to that I could not say; I should imagine Antrim must have a very large civil bill business, considering the town of Belfast and the districts being chiefly manufacturing and trading districts. I know the civil bill business is greatly on the increase in the manor courts; and I should think it was also on the increase in the assistant barrister's courts.

2229. Is there a manor court in Belfast?—Yes.

2230. Has that a pecuniary jurisdiction to the amount of 10*l.*?—I rather think it extends to 20*l.*, but I am not conversant with it.

2231. In the assistant barrister's court, are you aware that they only had a 10*l.* (Irish) jurisdiction up to the passing of the Act of last session?—I am aware, in certain cases, their jurisdiction was so limited.

2232. And since that it has been extended to a sum not exceeding 20*l.*?—Yes.

2233. So that the Belfast manor court has as extensive a pecuniary jurisdiction as the assistant barrister's court?—I believe it has; and it disposes of a number of civil bills there; still there is a great deal of civil bill business at the barrister's court.

2234. Mr. *Villiers Stuart.*] From your experience as seneschal, do you think that the increase of business is a sign of increasing wealth, or the contrary?—I think the contrary; I have heard it stated as a sign of increasing wealth, but I cannot agree with that; I should argue the contrary from what I have seen. I find the business just now very much increasing, and I think there is at the present moment a great pressure upon the manufacturing interests in that part of the country; I argue, therefore, that it is not a sign of increasing wealth.

2235. Antrim is a manufacturing county?—Very much so; the district I allude to, about Clough, in the manor of Oldstone, is entirely a linen manufacturing district.

2236. When there is any pressure upon the manufactures there is a great many more applicants at your court?—A great many more. I think the number of entries upon civil bills is fully doubled, perhaps, within the last four or five months. The number appears in both districts to have increased to very nearly double.

2237. Mr. *Vesey.*] Do you find any difficulty in enforcing order and regularity in your court?—I cannot say that I do.

2238. Have you ever had occasion to commit any person for contempt of court?—I think I once had. I think, on one occasion, I did, as an example, commit a person who was acting improperly and irregularly in some way after cautioning him several times; I committed him for some time, and discharged him on the rising of the court.

2239. In fact, you conceive you have full power to enforce order in your court?—I conceive so. This person was interfering with the business of the court; he was committing, as I conceive, a contempt of the court. That was the only instance I recollect, and that was some years ago, when I resorted to it.

2240. Mr. *Villiers Stuart.*] What distance is Glenarm from Larne?—About 10 English miles.

2241. About the same distance that Larne is from the town where the assistant barrister holds his court?—It is scarcely so much; the distance from Larne to the town of Carrickfergus perhaps may be 12 or 13 English miles.

2242. Before there was a manor court held at Larne you were in the habit of summoning jurors from Larne to Glenarm, were you not?—Immediately upon my being appointed seneschal of the manor; it was about the time a change was made as to holding the court at Larne.

2243. But before that, probably, the jury were summoned from Larne to Glenarm?—The grand jury invariably were upon the courts leet that were held twice a year. They were brought always regularly; but the petty jurors, I believe, were not brought so far.

2244. Since the establishment of a manor court at Larne are you in the habit of summoning jurors from Larne to Glenarm?—No, I take them from the country

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country district between Larne and Glenarm on both sides; but I never bring the Larne jurors to Glenarm, or the Glenarm jurors to Larne.

2245. Might not that account for their anxiety to have a court held in Larne rather than their preferring a manor court at Larne, from going to Carrickfergus to the assistant barrister's court; because if they had no other reason for asking for the court at Larne, it would induce one to suppose that they preferred the manor court to the assistant barrister's court, that being exactly the same distance on the other side of the town?—I think the reason for their applying for a court at Larne was undoubtedly a matter of convenience to themselves, that they should proceed on the recovery of small debts without taking their witnesses any distance; for instance, in the town and neighbourhood small actions arise, they could have them disposed of without taking their witnesses any distance whatever. It is entirely, I think, from that cause, and it was upon that ground they stated it; I think it was that which influenced them entirely.

2246. *Chairman.*] Do the cases which come before you consist principally of civil bill business; or what proportion of them should you say were cases at common law by the process of attachment?—I see by reference to my return and book, that the number of attachments tried to those issued bear a very small proportion indeed. In the manor of Glenarm, in the year 1834, there were nine attachments issued and only one tried; in 1835 there were 13 attachments issued and one only came for trial; in 1836 there were 24 attachments issued and six came for trial.

2247. Can you state the cost of an attachment cause coming for trial?—In my court the costs never exceed 1*l.* 5*s.* I have limited it to that sum. I should perhaps state, that in some cases they have been in the habit of bringing in a professional gentleman there, bringing in an attorney, and that they have claimed costs for his attendance, but I would not allow it. If they chose to bring in a professional person, then the party bringing him in paid the charge himself.

2248. What are the costs of a civil bill proceeding in your court?—In no case exceeding 5*s.* 6*d.*, which includes the entire cost.

2249. Those are the statutable costs?—Yes.

2250. That does not include a fee to a professional person?—No. In the same way, when professional persons have been brought in there, they do not claim any fee, they are paid by the party; sometimes the plaintiff and sometimes the defendant.

2251. Are you able to order the fee of a professional person in the manor court?—I think the statute of 25 Geo. 3, gave a small fee; it is a small fee, however, if any, not exceeding 2*s.* 6*d.*

2252. I believe 2*s.* 6*d.* is the fee appointed by the statute for an attorney in the assistant barrister's court?—Yes; the fees I have taken out here are the seneschals; for issuing the summons, 1*s.*; for entering the plaint, 2*s.* 6*d.*; bailiff or marshal, for summoning the jury, 1*s.*; and for the renewal of the decree, 6*d.*; the total costs charged against the defendant on each decree would be 5*s.* 6*d.*

2253. Mr. *Vesey.*] Is there any charge for the decree itself?—The seneschal is entitled to 2*s.* 6*d.* and the bailiff gets 1*s.*; but the 5*s.* 6*d.* covers the entire costs; 4*s.* 6*d.* is the sum paid by the party getting the decree altogether, not including the 1*s.* for the summons; 4*s.* 6*d.* is the sum paid into court.

2254. Mr. *Villiers Stuart.*] In the inquiry into one of the courts, it has come to our knowledge that the seneschal has refused to fill up a decree himself, but has obliged the party to apply to some other person, for which he is obliged to pay, or to fill it up himself at his own peril?—That I have never known; I have given the decrees immediately after the court is over, or the next day. The decrees are handed over to the bailiff who serves those decrees. I feel myself bound to do that without any costs to the party; they are always prepared in my office by my clerk.

2255. So that, however illiterate the person may be, he is not obliged to have recourse to legal assistance to get a proper decree?—Certainly not; I consider the seneschal is bound to furnish the decree, and the renewal of the decree in the same way.

2256. Without putting the party to any other cost than the 5*s.* 6*d.* allowed by the statute?—Yes, with the costs I alluded to, as payable by the defendant.

2257. And without putting him, in case there may have been a decree, to any further costs than 5*s.* 6*d.*?—Yes.

2258. Which

2258. Which costs are also allowed by the decree?—Yes; he pays the 5*s.* 6*d.*, and the seneschal, I conceive, is bound to give him a decree filled up.

2259. You conceive, if you charged him that fee as seneschal, and afterwards refused to fill up the decree you would not be fulfilling your duty and not acting legally?—I certainly conceive so, that is my impression.

2260. *Chairman.*] The 5 *s.* 6 *d.* costs includes no fee for any professional person who may attend?—No.

2261. Are you aware what are the costs in the assistant barrister's court?—I believe nearly the same sum, under the late Act. I think there is something more; I think there is something allowed to the person who executes the decree; but they struck me as being very similar, though perhaps in a trifling degree exceeding the manor court costs.

2262. The costs allowed before the execution of the decree, are they the same as in your court?—Yes.

2263. But in the assistant barrister's court that sum includes a fee paid to a responsible professional person who acts as the agent of the party?—Yes, I think so; there is something allowed to an agent for attending.

2264. Then, supposing a similar case to be tried in each court, and to be a case which required the attendance of a legal person on behalf of the party, the nominal cost would be the same; but in your court there would be added to that, the sum the party would have to pay the attorney for attending for him?—Yes.

2265. Which sum would be included in the costs in the assistant barrister's court?—Yes.

2266. Which do you consider that the costs in the manor courts generally are too high, or the costs in the assistant barrister's courts are too low?—I have always heard professional people complain very much of the sum allowed to them in the barrister's court in civil bills; that it was no remuneration for their attendance and trouble. How far that is the case I do not know; I have heard them complain of it, and state it was not a sufficient remuneration for their attendance and trouble. It strikes one as a small sum.

2267. Mr. *Vesey.*] Do you conceive, in cases which come before you in the manor court, it is necessary for the people to employ a professional person?—My impression is that it is not necessary.

2268. Are the cases generally so simple that they can plead by themselves?—I think, with an intelligent jury and a competent seneschal, the merits of the case may be got at very well, without the attendance of a professional person.

2269. Have you ever heard any complaint made against the bailiffs in the execution of decrees?—Yes, I have; I have heard parties complain, who were plaintiffs and defendants; the defendant of course will always complain when there is money levied from him; but the plaintiffs also very often complain.

2270. Of improper conduct?—I have heard complaints of that sort, and I have dismissed bailiffs myself for improper conduct.

2271. In case of a complaint of improper conduct, do you always hold an investigation?—I invariably inquire into the nature of the complaint, and endeavour to ascertain whether there is any ground for it or not. I dismissed a bailiff lately at Larne, for what I considered improper conduct in the execution of a process; he broke open a door, and an assault was the consequence. I went afterwards to the petty sessions to hear the case, and I was so satisfied of the man's impropriety of conduct, that I joined the magistrates in taking an information against him; I sent him to the barrister's court for trial, and I believe he was convicted.

2272. Do you think one of your bailiffs could act improperly without its coming to your knowledge?—I could not go so far as to say that.

2273. Do you think a person aggrieved, knowing you would take it up and investigate it, would come and complain?—I think they would. When there was any case of gross misconduct, I am sure I should hear of it; one party or other would make complaint.

2274. From what class of persons do you select your bailiffs?—Generally they are much the same description of persons as the bailiffs of estates, or the bailiffs of the court of quarter sessions. We call them bailiffs whether they are bailiffs of estates or the bailiffs of manor courts.

2275. *Chairman.*] You stated you sometimes have complaints against bailiffs in the execution of the decrees; what is generally the nature of those complaints?—I think, generally, for not serving their processes. The parties are in the habit

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of delaying their processes till the last moment, when they put a greater number into the hands of the bailiff, and they then complain, because he cannot get them served. The bailiff has come to me and stated that, out of the number of processes he had, it was impossible he could serve them; and it appeared to me to be a hardship that a man should be complained of for not doing that which was out of his power to do.

2276. Have those parties who have complained been generally of the poorer class?—Complaints of this description have not been confined, I conceive, to any particular class.

2277. Have you ever known in case of a defendant of the more wealthy class, that he has given anything to the bailiff to stay the execution of a decree?—I have never heard of that; I never knew an instance of that occurring.

2278. But in any case where the plaintiffs have made complaints of the non-execution of the decree, have you ever known or suspected that the bailiff has received money from the defendant for not executing it?—No; the complaints I have generally had, have been of the bailiffs not being sufficiently active when the complaints come from the plaintiff. In the event of the withholding the process, I have made a rule, that the bailiff is only to get 6 *d.* for the service of each process. The plaintiff usually puts the process into the hands of the bailiff, who is held responsible for the service of it; and if there is any complaint made to me that the process has not been served, I call the bailiff before me to inquire into the cause of it, and I oblige him to give me a satisfactory reason for it, or otherwise that he will take the process and get it served for the original sum to the next court, so that the party never will be charged more. Originally, when I went into the manor, I found he had been allowed 1 *s.* for the service of the process, that is paid by the plaintiff, it is not included in the costs. In the barrister's court the person is paid 6 *d.* for the service; they were paid at that time 1 *s.* I reduced the sum to 6 *d.*, assimilating it as near as I could to the barrister's court.

2279. With the reduction, do you conceive it is an ample remuneration to procure the attendance of a proper person?—He is entitled to 1 *s.* upon the entry for summoning the jury in each case; he is also paid a small salary off the manor; so that the bailiff altogether, in a manor of any extent, is perhaps not unfairly remunerated.

2280. Does the lord of the manor pay a small salary to each bailiff?—Not the lord of the manor, it is paid by the court leet. I beg to hand in the form of a civil bill process, the summons of the jury, the decree and the dismiss.

[*The same were handed in.*]

2281. Mr. *Vesey.*] I have seen that in your summons, you say, "hereafter fail not, as you shall answer the contrary at your peril." In case the jurors do not attend to this summons, do you think you have the power to put that threat in execution?—I think there may be a good deal of doubt in the law upon that subject; I have not ventured to fine the jury in consequence of that doubt. I think it is one of the defects, the want of the power of compelling the jury to attend; I have had doubts as to how far we could exact the penalty.

2282. But in case of the non-attendance of a juror after that summons is issued, you do not think it is expedient to enforce any penalty?—I have been fearful of exacting any fine.

2283. Have you never exacted any fine?—I have not in any case against a juror; I have against witnesses.

2284. *Chairman.*] Then you think the law is doubtful upon that point?—I have heard doubts expressed, so much as to raise a doubt in my mind as to the power. That is the original process, a copy of which is served on the defendant, the original is kept and brought in before the court; I was obliged to get the Antrim Arms put upon them to prevent forgeries. There had been forgeries and I resorted to that as a method of guarding against them.

2285. You have your name printed to the process?—That is the copy, I sign my name to the original.

2286. Then do you make it an invariable rule that the process should be filled up before it is signed?—No, I do not; the process is signed by me and issued, filled up by the party or the clerk they employ.

2287. After you have signed your name?—Yes; I could not possibly get each process, as it is brought in to me, filled up.

2288. Then

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2288. Then do you find any inconvenience arise from the process being issued if the cause of action be within the jurisdiction?—Yes; frequently processes are brought into court improperly filled, or not properly setting forth the cause of action, and I am obliged to *nil* such process.

2289. Then that is the loss of the party who makes the mistake?—Yes, it would be a loss of the summons; but when I have been obliged to *nil* the process I have usually issued a new process. I have a note of all the cases where the process was *nilled*, with the reason why it was *nilled*, and a free entry was allowed to the party upon the next court day. I do not think I am bound to do that, but I do it in order to avoid any hardship that might arise upon the party.

2290. Have there been many appeals from your decisions?—I have found that a great number of appeals have been entered; but very few have been brought forward.

2291. What do you conclude was the object of those appeals?—Certainly not for a rehearing of the case, but to gain time for the payment of the money; to put the party that would obtain the decree to annoyance and additional cost.

2292. Do you conceive the present state of the law affords too great a facility for such appeals?—I conceive so, certainly.

2293. What do you conceive would be a legitimate remedy for such a state of things?—My opinion is, that where the debt does not exceed a certain sum, 5 *l.* or 10 *l.*, the lodging of the money would afford the best corrective of the evil. It might be a hardship, perhaps, to require a party to lodge a very large sum.

2294. Do you not conceive that to a poor suitor the lodging of a sum of 5 *l.* or 10 *l.* will be as great a hardship as lodging a larger sum would be to a more wealthy person?—My impression is, that, if the object be the rehearing of the case, every facility to appeals should be afforded; but where it is clear, as it now happens, that in nine cases out of ten, appeals are entered into only to gain time for the payment of the money, then I should think it would be better to have some other method of arranging the appeal. The bonds entered into at present are no security to the respondents, because those bonds, I believe, cannot be recovered, except in a superior court, and the being obliged to bring an action in the superior court to recover a penalty of 3 *l.* or 4 *l.* renders the whole thing nugatory.

2295. Should you say in a case of that kind any additional time should be allowed for the lodging of the money, in order to obviate the hardship upon the poorer suitors?—I consider generally upon cases of appeal, that requiring the appellant to lodge the amount decreed, where the sum was a small one, would go far to prevent appeals, where those appeals were entered into merely to gain time. The condition of appeal bonds is, that the party should pay double costs and interest for the money. I think that would be a very good security, if you could make it available by making it recoverable in a civil bill court. The appeal bond cannot now be recovered except in a superior court.

2296. Do you not think that the bond may be recovered in the manor court itself, upon the principle that it is a debt contracted in the manor?—I consider not; I have been advised that it is not recoverable, except in one of the superior courts. In an action upon the bond, it is for a breach of covenant; and I understand they cannot recover the penalty in the civil bill court. It is upon that ground I was led to the conclusion, that, if it could be made recoverable in the civil bill court, it would go very far to correct the evil.

2297. Mr. *Villiers Stuart.*] Have you many cases in your court to the full amount of your jurisdiction?—No, not many.

2298. What is the average amount of the debts brought before you?—I might perhaps answer that question by stating the result of one court day's proceeding, which will enable the Committee to form a pretty good opinion; for instance, at the last court day at Glenarm, held on the 17th May 1837, there appears to have been 21 cases tried, the amounts of which were as follows:—

		£.	*s.*	*d.*
Number	1	1	8	–
—	2	3	7	–
—	3	1	–	–
—	4	–	9	9
—	5	–	9	9

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		£.	s.	d.
Number	6	–	10	–
—	7	6	6	–
—	8	6	16	0
—	9	3	3	8
—	10	–	6	4
—	11	4	6	6
—	12	1	6	11
—	13	2	–	–
—	14	–	12	10
—	15	–	13	–
—	16	–	15	–
—	17	3	5	8
—	18	–	15	6
—	19	2	–	–
—	20	2	11	–
—	21	2	11	–

2299. There are none to the full amount of the jurisdiction?—No; I should say it does not happen frequently; the average of the actions, I think, might not be exceeding 5*l.* There are more below 5*l.* than above it, certainly.

2300. Have you any wages' cases brought before you?—Yes, I have very frequently wages' cases.

2301. Are there petty sessions held in the manor?—Yes, in Larne, there is a petty sessions, and at Clough.

2302. How frequently are they held in Larne?—In Larne once a fortnight, and in Clough about the same period.

2303. The petty sessions is a cheaper court than yours, is it not?—Yes, it is a cheaper court; but there are some delays about wages' cases. The warrant does not issue immediately; they get notice to be served upon the party, and I think very often there may be wages' cases; and I think there may be wages' cases at Larne; and I have found them entered in the manor court, and I have felt some surprise, that they should enter them there, when they could get the summary decision of a magistrate.

2304. What is the reason for their doing so?—I suppose that they could get the decree immediately, and it is a long time before the warrant will issue at the petty sessions.

2305. How long would they have to wait for the court of petty sessions?—Not more than a week.

2306. Do you think then that having a jury in the one case and not in the other would be an ingredient in their preference?—I do not know how far that influences them. I should prefer deciding cases with a jury. In deciding cases as a magistrate, I have often found great difficulty, and I should be glad to have the assistance of a jury. The evidence is often very conflicting.

2307. In the county of Antrim, does the assistant barrister hold his courts in towns conveniently situated for the whole county?—Yes, I should think so; I think the divisions are convenient.

2308. How many towns are there?—Five towns; Belfast, Carrickfergus, Ballymena, Antrim and Ballymoney.

2309. How many times a year does he hold the court?—Twice in each town, with the exception of Belfast. At each of the quarter sessions the court is held at Belfast, so that it gives four times a year in Belfast, and twice in the other towns. I think the divisions are conveniently arranged in Antrim. The divisions have been changed lately, which has thrown a larger district into one of the divisions, in a rather more convenient one to that of Belfast. Belfast was not originally a sessions town. Carrickfergus was the original sessions town, being the county town; but, being very inconveniently situated at the extreme verge of the county, within the last 20 years, Belfast was appointed a sessions town. It seems odd it should not have been sooner a quarter sessions town, from the extent of its population.

2310. Mr. *Villiers Stuart.*] But parties have an opportunity at the present moment, in about six months, of recovering their debts in the assistant barrister's court?—Yes, every six months in Ballymena, Ballymoney, Antrim and Carrickfergus, and every three months in Belfast.

2311. What

2311. What is the time do you think that such debts are generally allowed to run, before parties bring their cases into your court?—I have found them running on promissory notes a very considerable time, often several months after the notes fell due.

2312. Not less than three months from the date of the debt?—No; the notes are invariably drawn at long dates, three, four or five months: for the sale of crops, for instance, the note is hardly ever perfected under four or five months, and then, I think, the notes are rarely proceeded upon for some time after.

2313. Do you think the parties would be much inconvenienced if they had a court conveniently situated to resort to every three months for the recovery of small debts?—No; I think that would give them as much as they would require.

2314. Mr. *Vesey.*] What quarter sessions are in the division of Carrickfergus?—Carrickfergus, Antrim and Belfast. Larne is also in the division of Carrickfergus.

2315. What distance is Antrim from any part of your manor?—Antrim is distant from Glenarm about 22 miles, and from Clough, in the manor of Oldstone, where the court-house is held, it is 15 or 16 miles. Ballimoney is the nearest.

2316. In the manor of Oldstone, the suitors within the manor could go every three months to the quarter sessions court?—Yes; they could go to Ballymena and Ballymoney.

2317. Is Oldstone in the Ballymena district?—Yes.

2318. And Glenarm is in the other district?—Yes; there has been an alteration in the boundary within a very few weeks, and I hardly recollect the change; but my impression is that it has thrown the lower end of the manor of Glenarm into the Ballymena district.

2319. *Chairman.*] To return to the question of appeals; how many of those appeals have come to trial upon an average?—I had some difficulty in filling up the return upon that subject. When an appeal bond is entered into, the course is usually to hand it over to the respondent; unless it comes forward for trial I hear nothing more of it, and the number that come forward for trial is very limited; I think I could say upon an average not one appeal at each assizes. I think at the last assizes there were two appeals; one I directed myself; in fact it was a suit in which the party had appealed, but as usual did not come forward to try the appeal; and the respondent held the decree and the bail bond; and I got a professional person to go forward and enter the appeal for the double costs, affirmed the decree, and made out the judges' warrant for the amount. I did it with a view to prevent those vexatious appeals as well as I could, and I got an affirmation taken out with the double costs. However, that is an expensive thing; it put the party to the expense of 1*l.*

2320. Mr. *Vesey.*] Have any cases of usurious contracts for the prices of potatoes and provisions come before you?—Yes; I have frequently seen them before juries.

2321. Have you found that in those cases the jurors have inclined to the plaintiff?—No, I think not.

2322. Is not the plaintiff always of the same class in life as the jurors?—I think in both manors the class of jurors is rather above the plaintiffs; they are a better class.

2323. Better than the mere shopkeepers?—Yes; in the whole of the district of Kilconway. In the rural districts, I think the class of plaintiffs inferior to the class of jurors. The jurors are the most intelligent people of that class generally, I conceive, at least.

2324. In case the jurors are of the same class as the plaintiffs, do you think they incline in their verdicts towards the plaintiffs?—No, I do not think that. I recollect cases where parties wished to recover upon long credits a price very much beyond what I thought was the worth of the article, and upon putting it to the jury that the law was in favour of the plaintiff; but it was their province to ascertain what the fair and proper rate of the articles was; that is, what it would bring at the period it was sold; I generally found that the jury decided, as I thought, upon very equitable principles. They did not allow the whole sum claimed at the long credit, but they made a fair distinction between the cash price and the credit price, giving no more than a fair sum for lying so long out of the money.

2325. In fact, in the same way as you would have decided if you had a summary

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mary jurisdiction?—Just so. I perfectly approved of their way of getting at it. I found that applied to the sale both of potatoes and meal at particular seasons of the year.

2326. You said there was a great deal of linen trade in the county of Antrim?—Yes; it is the staple trade of the county.

2327. The persons who manufacture the linen are of the poorer class?—No; there is a kind of manufacturer there that is generally of the richer class, and he employs a number of people. The population of that part of the country are principally small farmers and weavers.

2328. Are not the small farmers in that county generally weavers?—Generally speaking they are.

2329. They bring linen, I believe, into the towns, and sell it to the shopkeepers?—They bring it into the towns and sell it to the merchants, who bleach it and prepare it for the market.

2330. Do many persons of that class come to your court as suitors?—Yes, frequently.

2331. Do you think that class of persons prefer coming into your court, those small farmers and weavers, to going into the quarter sessions court?—Yes, I think, generally speaking, they do, from the convenience of not having to take their witnesses a great distance; whether it arises also from their being favourable to trial by a jury of their own class I cannot say; it may be partly both.

2332. But you think they certainly prefer coming into your court to going into the quarter sessions court?—I think they do.

2333. Do merchants, when verdicts are given against them, often appeal?—We have not many instances of merchants being sued. There are very few instances of that, because the merchants are very punctual in their dealings, unless some misfortune happens; but almost all the parties that are unable to pay, the moment the verdict is against them, say, "Oh, we will appeal!" and that is generally upon a promissory note or security, when there is not the least question about the money being due. They say, "We are appealing to gain time for the payment of the money;" and they perfect the bond and hold it over till just before the eve of the assizes, and then they come forward and make some settlement; and the respondents, rather than be at the expense of a trial upon the case at the assizes, are willing very often to enter into some arrangement to take a new note or a new security. That often happens, even in the assize town.

2334. What is the form of the bond, is it a bond to the King or to the parties?—The appeal bond is to the party; the appellant gets two sureties, and they enter into bond for double the amount of the debt and the costs. The condition of that bond is that the party will proceed upon the appeal, and in the event of the decree being affirmed, or in the event of his not following up his appeal, in such case he is only to pay the amount of the debt and decree, the double costs, and interest upon the money. All that appears to me to be very equitable, if you could enforce that bond at a small cost. That strikes me as a defect.

2335. *Chairman.*] But the bond being to the parties, and the condition being to appeal, the remedy you suggested just now for the more easy recovery of the bond would not apply?—I think it would, for, from the parties feeling they cannot enforce the bond in a summary way now, they are driven into a settlement they would not otherwise agree to, if they had any means of enforcing that bond.

2336. Is the bond upon a stamp?—No. I believe a stamp is not required.

2337. Is there a special exemption?—Yes, I believe so.

2338. Do you issue decrees the next court day after they are made?—I issue the decree immediately after the court, and in case of a notice of appeal, I put a note at the foot of the decree: "This decree not to be executed, provided the party enters into the necessary bond to prosecute the appeal." The practice of the manor courts is to issue a decree immediately; but when a notice of appeal has been given, I have directed it not to be executed. I have always told the parties they had till the next court day to appeal. They may enter their appeal at any time between that and the next court day.

2339. Mr. *Vesey.*] I think you said you were not a professional person?—No.

2340. Do you think a person who is not professional, is quite competent to act as seneschal in a manor court where the jurisdiction does not exceed 10*l.*?—I think

I think when a person who is not professional will take a little pains to inform himself upon the rules of evidence and the common principles of law he is. In these courts the decisions are upon the equity more than upon the law.

2341. Are you aware that according to the present system no qualification is required for a person to act as seneschal?—I am aware of that.

2342. What qualification do you think the seneschal ought to have?—My impression decidedly is, that there should be a qualification.

2343. Of what species?—That is a difficulty, perhaps; I have thought a property qualification might go far to ensure a more respectable class of persons.

2344. Do you think a person who is competent to act as a magistrate would have sufficient legal knowledge to preside over a manor court?—My impression is that he would; that an intelligent gentleman who took pains to inform himself of the law in the way every intelligent magistrate should do, would have a sufficient legal knowledge to act as seneschal.

2345. Do you think if he had not sufficient legal knowledge he could easily acquire that knowledge?—I think he could acquire sufficient knowledge by reading and attending to the rules of law.

2346. Do you think the fees of the manor court would be a sufficient remuneration to persons of that class to induce them to give up their time to the office of seneschal?—They certainly would not be at all sufficient to induce a barrister of any practice to give up his time to it. I think they are not sufficient for a gentleman of that station, unless he was connected with the property in the neighbourhood.

2347. But, in the case of a person competent to act as seneschal, do you think the fees would be a sufficient remuneration?—That would in a great measure depend upon the size and jurisdiction of the manor; in small manors where the jurisdiction is low they would not be sufficient, I think.

2348. But in your own, or those your acquainted with, would they be sufficient?—I know as far as I am concerned in the manors I hold, I would not take the appointment, but that I am connected with the property in the county. There are two or three estates I have the charge of, and I find it a matter which does not put me much out of my way, and I rather like it than otherwise; I do not find it inconvenient, but in itself it would not be sufficient.

2349. In fact, to a person who acts as agent to property, or is in some way connected with the property to which the manor belongs, do you think the fees are an ample remuneration?—I should not say ample; I think the fees are small.

2350. But sufficient to induce such a person to act?—I think sufficient to induce a person who is so situated.

2351. Mr. *Jephson.*] You have stated you recommend a property qualification for persons to act as seneschals?—I have found in some cases of small manors that persons were appointed of an inferior class, without education, or whose station altogether was not such as would qualify them, and it was with a view to get clear of that I thought some kind of property qualification was necessary. I, at one time, thought a qualification somewhat similar to what was required of the magistrate at road sessions might correct the evil, that perhaps might be going too high.

2352. What is that qualification?—£. 300 a year freehold property, or 400 *l.* a year leasehold, or being an agent to an estate value 5,000 *l.*, or some other qualification.

2353. Are you aware of the reason of a property qualification being required of the magistrates at road sessions?—I have no doubt the reason originally was, that it was supposed a gentleman who had that stake in the country would be less inclined to job.

2354. Then it was with reference to the fiscal duties of the magistrates that it was required?—Yes.

2355. And not with reference to the general magisterial business?—No.

2356. There is no qualification is there for magistrates to enable them to sit at quarter sessions to decide criminal cases summarily?—None.

2357. Why then should you require that qualification of a seneschal who has to decide cases similar to those of the magistrates, while the magistrates themselves are not required to have any qualification?—My reason for it would be merely to ensure the appointment of a more respectable class of persons.

2358. Then you would allow a magistrate to be appointed without a qualification; that is to say, you would allow a gentleman to perform all the duties of a

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magistrate except at road sessions without a qualification, and yet you would have a qualification for a seneschal?—I would, because I think you find that magistrates are properly qualified in general.

2359. In the case of a magistrate, his qualification is at the discretion of the person who appoints him?—Yes.

2360. Without the security of a property qualification?—Yes; my only reason for proposing a property qualification would be that you would get rid of that class of persons who, I think, are unqualified, both as to information and station in life.

2361. Mr. *Villiers Stuart.*] Is there not this difference between the two cases, that in the one case of the magistrate, he is appointed by an officer responsible to the Crown, and in the other case the seneschal is appointed by a person responsible to no one?—Yes.

2362. You, therefore, think that some security should be taken that he is a proper person?—Yes; with respect to the amount of the qualification, I am not prepared to say what would be a sufficient amount.

2363. *Chairman.*] You have stated that the seneschals of some of the smaller manors are persons who, in your opinion, ought not to be intrusted with such an office?—Yes.

2364. Is that observation confined altogether to the smaller manors?—Yes; decidedly to the smaller manors.

2365. To those which are small in local extent, and in the amount of pecuniary jurisdiction?—Yes; there is not the inducement there for a better class of gentlemen to take them, and I think in the appointment by lords of manors, in some cases, that they have not sufficiently looked to the intelligence of the person, or his station in life.

2366. The law which gives them the power of appointment to these important offices imposes no duty or responsibility upon them with regard to a proper selection?—None, but the feelings such a gentleman would naturally have to see such duties well performed; and he would, I think, not like to see the courts of his manor in any respect improperly conducted.

2367. But they have no responsibility, except being responsible to public opinion; there is no legal responsibility?—No legal responsibility certainly.

2368. Mr. *Villiers Stuart.*] In many parts of the country there are many lords of manors who have never exercised the right of appointing seneschals, I believe?—I am not aware of any.

2369. It is optional with the lord of the manor whether he appoints or not?—I believe it is.

2370. So that although that court may be a very useful one, yet it depends upon an individual whether the manor shall have the benefit of it or not?—Yes, certainly.

2371. Does not that appear to be a very improper state of things?— Certainly it does.

2372. Have you ever considered whether the whole system of manor courts might not be very much altered for the better; for instance, if there should be local courts, such as baronial courts, but that the appointment of the officer should rest with the Government?—I have not much thought of that; I consider the principle by which the manor courts are carried on, if properly conducted, that is, of trial by jury, the jury being composed of persons in the same station of life as the suitors, affords a very equitable method of deciding small debts; and I think the people, generally speaking, feel it so. I think it is more equitable, and they decide more upon the principles of equity and justice than the assistant barrister can possibly do, or any one individual, however well inclined to do the duty properly, can do. For instance, the habits of the people of the north of Ireland are totally different from those of the south; a northern assistant barrister may come into the south wholly unacquainted with the habits of the people, and with their mode of dealing; he will make decisions upon the strict principles of law, no doubt, but not upon the principles of equity, which the jury of the manor, knowing their mode of dealing, would do. That I conceive to be their principle.

2373. In many parts, even of the county of Antrim, from which you come, there are districts which have no manor courts at all?—There may be districts, but not many.

2374. In which the people must have recourse to the assistant barrister's courts?—

courts?—Yes. I should not say many; for in most parts of the county of Antrim there are those local courts.

2375. Then, as there are some parts without a manor court, would it not be an improvement, either if the country had additional manor courts, or that those manor courts were altogether abolished, and new courts of some kind established; for instance, baronial courts, with an officer appointed by Government?—I think if you can get the manor courts brought into a proper system in the small manors, and the courts are regularly held, and held in proper places, it would be sufficient. I disapprove very much of the courts being held anywhere but in the public court-house. I have heard of courts being held in a public-house; I believe that was never done in the county of Antrim; I think that is highly objectionable.

2376. Your opinion applies more to the manner in which they are at present conducted?—Yes.

2377. If the manor courts are good they ought to be established all over the manor?—Yes.

2378. And if they are not good, the whole system should be done away with?—Yes; I think where they are well conducted the people generally would feel it a grievance if they were abolished. Unless they could be secure of a superior court being established on a somewhat similar principle, or these courts could be improved, they would be very unwilling to deprived of them. I have invariably heard it stated, "if the manor courts are done away with in our districts, we should feel it a very great grievance."

2379. Mr. *Vesey.*] Have you heard that in any other manors but those of which you are seneschal?—Yes; I have heard that in the adjoining manor also.

2380. Are there any manors in your neighbourhood, where the jurisdiction is only 40 *s.*?—Not in the immediate neighbourhood.

2381. Are there any you are acquainted with?—Yes.

2382. Is it the feeling of the inhabitants of those manors that the jurisdiction should be raised to 5 *l.* or 10 *l.*?—Yes; I know one manor where the jurisdiction is 40 *s.* That is in a district where the estate is now in Chancery, and there had not been a seneschal for some time; but the present receiver of the estate, who is a very respectable person, lately got an appointment and gave the necessary security, and is now acting as seneschal, and I believe conducts the courts very well; and I understand there the people had expressed a very strong wish that the jurisdiction should be higher than 40 *s.*

2383. Do you not think, if any change were made in the system of manor courts, the jurisdiction might be raised to 5 *l.* in all cases?—Yes; from my experience I should say, if the jurisdiction is below 5 *l.* the court would be of little use.

2384. And if the jurisdiction were raised to 5 *l.* the qualification of the seneschal might be greater?—Yes.

2385. And then there would be greater facility for selecting a better class of persons to be seneschals?—Yes; that is my opinion.

2386. So that if the jurisdiction be increased to 5 *l.* or 60 *s.* you would not have the same difficulty you stated before of finding a proper person to act as seneschal, in consequence of there being a sufficient remuneration?—No; I think you would then find a better qualified class of persons to take the office.

2387. Then, with a proper person to act as seneschal, and giving him a full power to select the jurors, do you not think the manor court would be a very useful court?—I think it is a very useful court, if properly conducted.

2388. Mr. *Jephson.*] Do you not think that making the seneschal responsible for the management of his court, and giving the judge of assize the power of fining him for any mismanagement, or for any ill conduct in the discharge of his duty, would be an improvement?—I think it would be a decided improvement.

2389. If the person who appointed him were made responsible for the payment of that fine, if not paid by the seneschal, would that act as a check upon the person who had the right of appointment in appointing any improper persons?—It might to a certain extent. I think the seneschal ought to be required to attend on the hearing of appeals. I believe the law requires, at present, that if the judge requires it he should produce his court books. I think the seneschal should be required to attend on appeals, with his book, to answer any questions.

2390. But all the judge has the power of doing is to reverse the decision?—Yes.

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2391. If the judge had the power of ordering him to be summoned, or of fining him in case of misconduct, would that be a check?—Yes; you would then give the same power the judge has over the conduct of the magistrates. I think it would go very far to correct the evil.

2392. Mr. *Vesey.*] Does not the seneschal lodge a certain sum as a security?—He enters into a recognizance with two sureties.

2393. Then, in case of misconduct, can that security be recovered, or can the seneschal be sued?—At present the recognizance is for the proper discharge of his duty. What would be considered an improper discharge or a deviation from his duty, I cannot say.

2394. Are you aware who are the parties who are to sue the seneschals?—I am not aware. I am under a recognizance myself in the two manors. I am required to find two sureties in a certain sum; I think it was 200 *l.*

2395. Do you not think making that more defined, and stating who the parties are who are to sue the seneschals, or the specific cases of misconduct for which the seneschal should be sued, would be a sufficient check over the seneschal?—I think it would be a check; whether it would be a sufficient one or not, I do not know; I am of opinion there might be some check.

2396. Or perhaps giving the power to a judge?—Yes.

2397. Mr. *Villiers Stuart.*] Can you state what sum has been recovered last year by process in your court?—I cannot. It was not one of the questions put to me in the return I was required to make, and therefore I did not turn my attention to it. I have only one of the books with me, and therefore I cannot make it up.

2398. Mr. *Vesey.*] Have you any other suggestions to make as to the proper working of manor courts?—I wish to state, with regard to the proceeding by attachment; I consider the present proceeding in that respect ought to be amended. After the attachment issues, if the party cannot get bail there is a trial, and the pleadings are the old pleadings at common law, they are very troublesome and vexatious, and they are very tedious. In lieu of that I would suggest the propriety, after bail is given, and the trial is to take place, instead of going through that tedious and expensive process of a declaration, a mere service of a civil bill should be sufficient, first attaching the goods; let the bail be given in, and then the service of the civil bill in place of the tedious bill and answers. It would be a great saving of expense, and there would be the same notice to the party.

2399. Mr. *Villiers Stuart.*] You have occasionally to arrest parties?—We have the power of committing to the county gaol. Formerly there were local prisons in the manor, and those prisons were abolished by an Act of Parliament, which gave us the power of committing to the county gaol; but then that power is rendered nugatory, because the seneschal is bound to maintain the prisoners at his own expense; at least I take it he is, for the grand jury say what sum he should pay for the keep of the prisoners. I am in the habit of attending our county grand jury, and I know at the last assizes we made rules against two seneschals; one the seneschal of Belfast, and another for the keep of some persons they had committed. The grand jury ascertained the expense, and they made a rule against the seneschal, which he was obliged to pay, though it amounted to 8 *l.* or 10 *l.*

2400. The seneschal himself?—Yes; for the keep of those prisoners. Since the passing of that Act I have not committed to the county gaol; I have invariably refused decrees against the body, and given them against the goods, only stating to the party that I would not issue a decree, which would involve myself in the expense of keeping the prisoners.

2401. In the event of there being no goods at all, the party will have no remedy then in the manor court?—They would have none, where the decree was not against the body. I think the 7 Geo. 4, c. 74, abolished it. It enacts, "That officers of the local jurisdiction shall be obliged to maintain such debtors as they commit to the said county gaol, and that they shall be accountable to the grand jury of the county for the expense of supporting such debtors." Since the passing of this Act I have refused to commit, considering myself to be held personally responsible for the maintenance of the persons committed.

2402. Is there any provision made for your recovering from the parties the expenses?—None that I know of under the Act.

Mercurii, 31° *die Maii*, 1837.

MEMBERS PRESENT.

Mr. Bridgman.
Mr. F. French.
Mr. Jephson.
Mr. Lucas.
Mr. M. J. O'Connell.
Mr. Villiers Stuart.
Mr. Vesey.

MORGAN JOHN O'CONNELL, ESQ., IN THE CHAIR.

Thomas Davison, Esq., called in; and further Examined.

2403. *Chairman.*] HAVE you prepared a return of the sums decreed for in your courts in the course of the last year?—I have in one manor; I have no means of coming at it in the other; I only brought one of my books with me. For the year ending 17th May 1837, there would appear to have been 188 civil bill causes disposed of in the Glenarm court, and of this number there were 128 causes in which verdicts were received for the plaintiffs, and upon which decrees issued amounting in all to 323*l.* 8*s.* 9*d.*, the costs upon which amounted to 35*l.* 4*s.*, paid by the plaintiffs upon the recovery of that sum of 323*l.* 8*s.* 9*d.*, and decreed against the defendants. It would also appear that there were sixty cases; or about one-third of the entire number of causes tried which had been decided in favour of the defendants. I conclude that the number in the other manor would be considerably more, though I have no means of coming accurately at that here. The proportion I should suppose would be very much the same between the verdicts for the plaintiff and defendants, but the amount decreed would be more, and consequently the costs would be greater.

2404. Of the 35*l.* 4*s.* costs in the manor of Glenarm, how much goes into the pocket of the seneschal in the shape of fees?—Taking the costs at 5*s.* 6*d.*, there would be 1*s.* off that, for there is nothing allowed for the service of the process; that the plaintiff loses, which is 6*d.* out of the 35*l.* 4*s.*, therefore the seneschal's share would amount to 28*l.* 16*s.*; 6*l.* 8*s.* would be payable to the bailiff.

2405. Mr. *Villiers Stuart.*] I think you state that the costs of recovering 323*l.* would be 35*l.* 4*s.*?—Yes.

2406. It has been stated, that in another court, that of Macroom, 1,291*l.* had been recovered at an expense of 36*l.*?—The statutable costs are 5*s.* 6*d.* That amount does not include any proceedings at common law; merely the proceedings upon civil bill.

2407. In short, that is the cheapest process that can be adopted?—Yes.

2408. So that one can scarcely reconcile the two amounts, that 1,291*l.* should be recovered for 36*l.* in the one case, and that it should cost 35*l.* 4*s.* to recover 323*l.* in the other?—The costs upon the recovery of a few shillings would be just the same as upon the recovery of any sum under 10*l.* A great number of the decrees are for small debts, and consequently the costs would be the same as upon a much larger sum. It could be only accounted for in that way. You will find there are 128 decrees for the 323*l.*; and if you divide that you will find the sum in each case is very small. Supposing there are 128 decrees, the bailiff is entitled to a shilling off those decrees for summoning and empannelling the jury, which he always receives under the statute; the rest is payable to the seneschal in different ways; a certain sum for the process, a certain sum for the decree; and if that deduction of 6*l.* 8*s.* is made it will leave 28*l.* 16*s.* payable to the seneschal.

2409. *Chairman.*] Then, for that year, 28*l.* 16*s.* may be considered the whole emoluments of the seneschal of Glenarm?—No, there are other fees. In my return of the emoluments I show the actual sums received for the last three years.

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2410. Does the amount in other years exceed or fall short of that?—The annual emoluments of the manor of Glenarm would amount to about 70*l.*, including the shilling upon the processes. There are a great number of processes issued, and there are the fees upon the common law proceedings and records.

2411. Do you think in general the emoluments of the manor courts are such as to induce persons of your station and rank in life to take the office of seneschal?—No, I think not; unless it is connected with the property in the district, or there is some other inducement. Speaking for myself I would not accept the situation.

2412. Mr. *Villiers Stuart.*] Supposing you were the seneschal of other manor courts in the county, would it not then be worth your while?—Yes; I think if the same seneschal were appointed to a number of manors it would.

2413. Mr. *Vesey.*] Supposing you were a constant resident within the manor, would not the emoluments of the manorial court be sufficient to induce you to give up your time to it, once in three weeks, even although you were not an agent for property?—I think it would, if I were the seneschal of three or four manors.

2414. Even of one manor, the manor of Glenarm for instance, if you were a constant resident within the manor?—No, it would not. The entire emoluments of the manor of Glenarm would not exceed 70*l.* or 80*l.* a year, which would not be sufficient to induce a person to remain and take the charge of the court, unless he were otherwise remunerated. If he had a number of manors together it might.

2415. *Chairman.*] If the lords of several manors could be got to agree to choose one person to fill the office of seneschal of those manors, do you conceive a better person could be obtained?—Yes, it would make it a matter of much greater importance.

2416. Mr. *Villiers Stuart.*] Supposing Government had the appointment of the seneschals, do you think one person would be enabled to perform the duty of seneschal in such districts for the whole county?—I think in such districts he might; but my impression is, that the seneschal must be a resident person. He must be resident somewhere in the neighbourhood, otherwise it would be impossible for him to discharge his duties.

2417. But in the county of Antrim you think, supposing there were local courts of the same class as these manor courts, but with an officer appointed by the Government, that one person would be enabled to execute the duties of that situation?—I dare say he might; it would depend upon the district assigned to him: he might for two or three baronies.

2418. But could one person act for the whole county of Antrim?—I have some doubts upon that subject.

2419. The district, you think, would be too large to be convenient to the people?—Yes; if such courts were to be adopted it would then, because then almost the entire of the civil bill business would fall into those courts. I may state, that I find in the courts leet there is a power of summoning, which applies personally to the lord of the manor; for all the fee-farm deeds, and deeds for lives renewable for ever, covenant that the person holding the lease, or his assigns, shall attend the court leet and pay certain dues. I have regularly summoned the persons to appear, and pay their dues, as a thing I conceived myself bound to do as the agent of the proprietor.

2420. Do you do that as the agent of the proprietor of the estate, or as the seneschal of the manor?—I do it as seneschal of the manor; I conceive I am only bound to do it in my capacity of seneschal. In the court leet twenty-three persons are empannelled, some of the proprietors of the properties coming there; and at one time when the court leet was established, they had attached to it a sort of farming society.

2421. *Chairman.*] Supposing the manor court had no civil bill jurisdiction, or any pecuniary jurisdiction whatever, would not those powers remain unimpaired, and would not the effect of those covenants in the leases be just the same as it is now?—I cannot say; I know that two or three persons refused paying the leet money. One gentleman in particular did so, on the ground that he had not been summoned to attend the court leet; and it would appear by an opinion given by some lawyers, that you could not enforce the payment of that leet money,

money, except in the way the lease covenanted it should be paid, which was at the court leet.

2422. Did they found that opinion upon the terms of the covenant, or the common law of the case?—Upon the terms of the covenant. The covenants are all the same; they are, that he shall attend and do suit and service at the court, and pay a certain sum of money, so much for each head tenant, and so much for each under tenant.

2423. And the leet money is paid at the court leet?—No, it has been paid upon the renewal of the leases.

2424. Mr. *Jephson.*] Have you any power, as seneschal of the manor of Glenarm, in preserving the regularity of the town; the municipal regulations which may exist?—Yes, certainly; they appointed leet constables, without salary, but I had them regularly sworn. They were very similar to parish constables here.

2425. Then the duties of seneschal are not confined to holding the courts?—No. We appointed inspectors of weights and measures; and it would appear from the old records, the powers of the leet were considered at one time to be very extended and very ample.

2426. *Chairman.*] Is the service of process in the manor court performed by the parties themselves, or by the officer of the court?—By the officer of the court; I refuse to issue any process to be served by the parties.

2427. By the bailiff of the court?—Yes.

2428. What does he charge for the service?—Sixpence.

2429. Is that included in the costs of the court?—No, the party loses that; there is no item in the statute for the service of the process.

2430. Are you aware, whether in the quarter sessions' civil bill court there is an item of charge for the service of process?—Under a late Act there is an officer appointed in each district for the service of process, and he receives sixpence from the party, which I rather believe is not included in the decree. Originally, I should state, the service of the manor court process was a shilling, and it was allowed to be done by the party. It appeared to me to be a bad thing to allow the party to serve his process, and I made it a rule that it should be served by the officer of the manor court, and he should not be paid more than is allowed at sessions.

2431. Do you know many districts in that part of the country with which you are acquainted, in which there is no manorial jurisdiction?—At present I cannot say I do.

2432. Do you know any of them in which the manorial jurisdiction is altogether or partly disused?—No; I cannot say I am aware of any where it is disused.

2433. Mr. *Villiers Stuart.*] Are there any other important duties connected with the office of seneschal of a manor, besides those of judge of the small debts court?—None but the duties consequent upon the court leet. Those leets are only held twice a year: I believe the statute requires they should be held a month after Michaelmas and a month after Easter; within a month from those periods. It appears originally that the powers of those leets were very extensive indeed: I have a number of old records, in which it appears they presented money for the repairs of roads and bridges, and for the destruction of birds of prey and vermin; that has fallen into disuse.

2434. Do you think at present there is any utility in the court leet?—My impression is, that there is very little in the courts leet; I do not see any great advantage in them.

2435. Do you think they might be abolished without injury to the lords of manors?—No; I should think they could not, if the money payments which are covenanted under their deeds were not provided for in some other way.

2436. Supposing a provision were made that the money payments now required to be made at the court leet should be made in some other way to be specified, do you think it would be an injury?—I do not think they are very important.

2437. Mr. *Jephson.*] Do you think they are a grievance?—No; the people seem rather to like it. They meet together and dine. The respectable yeomen and farmers come in; and I think they seem to like it.

2438. Mr. *Vesey.*] Do you think any benefit would accrue to the country from abolishing the courts leet?—No benefit, certainly.

2439. And there would be some inconvenience?—Yes; I can see no benefit

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that would arise, and I can see a certain inconvenience that would arise, whether real or imaginary I do not know.

2440. In fact, from those old engagements and covenants, even though an Act of Parliament were drawn up ever so carefully, some inconvenience must arise?—I think there must be some inconvenience, inasmuch as there is a great variety of covenants in those old deeds, all going to the fact of money payments to be made particularly at those leets; so that there might be some difficulty.

2441. Mr. *Villiers Stuart.*] Are they held very regularly in your manor?—Very regularly. We have held them invariably at the time; a precept has been issued, the form of which I have here, directed to the bailiff, to summon the fee-farm and perpetuity tenants, and the under tenants, to do suit and service at this court; and they come in very regularly and attend there. I think they look upon it as a privilege. They certainly do not look upon it as at all irksome.

2442. Do the courts leet attend to the regulations of the police of the town in the manor now?—Yes, they do. In the Glenarm leet they have invariably appointed persons to remove nuisances from the streets, and to attend to a variety of matters we could not get attended to otherwise. The county constabulary would not do those duties we found we could perform through the court leet. We had inspectors of weights and measures appointed at the leets: the Legislature has in some degree abolished that by the appointment of county inspectors.

2443. Do many cases of rescue occur in the execution of the decrees of your court?—I have heard of cases of rescue. There was a trial at a late quarter sessions with respect to a rescue under a decree or an attachment, I do not know which; and the assistant barrister said it was necessary the seneschal should be there to prove the charter. I lodged the charter with the clerk of the peace and had his receipt for it. None of the former barristers required evidence of that fact. I had no notice to attend, or I should have attended. I believe the case was one of a decidedly bad description. The man had been badly beaten in attempting to execute the process; but the trial was not allowed by the assistant barrister to be proceeded upon, under this new rule of the court of quarter sessions.

2444. Did the rescue arise from the party disputing your authority?—No, certainly not; they occur very frequently in the execution of the sessions' decrees, The boundaries of the manor are very well defined, and they are known perfectly.

Henry Hume, Esq., called in; and Examined.

H. Hume, Esq.

2445. *Chairman.*] OF what manor are you seneschal?—Mallow.

2446. How long have you filled that office?—Something over ten years.

2447. Are you a professional person?—No.

2448. Is the manor of Mallow an extensive manor?—It contains somewhat over 600 acres.

2449. What is the population of the manor?—The population was about 9,000 I think at the last census.

2450. Does it include the whole of the borough of Mallow?—Not of the new borough; there is a great deal more than the new borough in the manor.

2451. Does it include all the Parliamentary borough, except that part which lies upon the south side of the Black Water?—Yes, it does.

2452. What is the pecuniary jurisdiction?—Forty shillings British; that is the manner in which it is worded in the charter: "40 *s.* of money current in Great Britain."

2453. And you interpret that to mean 40*s.* British currency?—I do.

2454. You are aware that legal men have a doubt as to the construction of those words?—Appeals have gone before the judge of assize in cases where the decree was for the amount of 40 *s.* British, and the judge has affirmed the decree on reference to the attested copy of the charter which was lodged in the Crown Office.

2455. Are you aware whether, previous to the assimilation of the currency, decrees were made to the amount of 40 *s.* of the then British money?—I do not know; I had no intercourse with the court before that time.

2456. Have you the books of the court before that time?—Not the books of the court baron, I have the books of the court leet; I never got the books relating to the court baron.

2457. Where

2457. Where is your court held?—In the quarter sessions' court-house in the town.

2458. How often do you sit?—Every three weeks; every third Monday.

2459. Is the court-house a convenient one for the jury and the suitors?—Quite so; it is the quarter sessions' court-house.

2460. For the East Riding of the county of Cork?—Yes.

2461. Do you find it easy to keep order and regularity in your court?—I have found the people very quiet and well-conducted. I have not had much occasion to trouble them. A short time ago a drunken man came in and made some disturbance; as the police-office is close by, I sent for them, and under the late Excise Act I apprehended him as a drunkard, and got rid of him in that way.

2462. Do you conceive you have authority to commit anybody disturbing the court for a contempt?—No, I do not, it not being a court of record. I had some doubt, and I did not attempt to do it.

2463. Are you not bound by the statute, which gives you the civil bill jurisdiction, to keep a book or record of your proceedings?—Yes.

2464. Do you not conceive that the statute which imposes on you the keeping of a record, gives you at the same time all the privileges and powers of a court of record?—I had some doubt upon the subject, and I did not like to exercise that doubtful authority; but besides that, I had very little occasion for it, the people are generally very quiet, and do not disturb the court.

2465. Is the court ever inconveniently crowded?—Never.

2466. What is the average number of cases that come to trial on each court day?—Sometimes I have had twenty entered, on some occasions twenty-three or twenty-four, and sometimes not more than four or five. I could not exactly say what the average is without calculating.

2467. In general, do most of those cases that are entered for trial come to a hearing before you?—Most of them do; they are only entered at the moment the court opens. The first step taken is to enter any causes that may be for trial.

2468. Then the number of causes entered affords no criterion of the number of processes issued?—None whatever.

2469. Could you upon a rough guess state the number of processes issued upon each court day?—I think the average number of processes issued is about twenty-five for each court day; sometimes considerably more and sometimes less.

2470. What class of persons do you usually summon for jurors?—The tradesmen and shopkeepers; I have a list made out of all the persons fit to serve upon juries, and I generally leave out those who are very much occupied by business, and it would be almost impossible for them to attend. I have left them out altogether in this list; I commence at one end, and go round to the other; and it comes to each individual about twice a year to attend in that way.

2471. Mr. *Vesey*.] When you say you summon chiefly shopkeepers, do you invariably do it?—Not invariably.

2472. Do you not summon people from the country?—Some.

2473. You do not make it a constant practice to summon jurymen from the country?—No.

2474. Mr. *Villiers Stuart*.] Are they not placed on your list, and summoned in rotation?—There are very few people in the country who would be capable of sitting on juries; they are generally working farmers, and not intelligent enough perhaps for that, and besides, they are people who are very much occupied in working on their farms, and it would be a hardship to bring them away. I find a sufficient number of idle people in the town, at least who are comparatively idle.

2475. Mr. *Vesey*.] Do you think in the verdicts the jurors give, there is a bias on the part of the jurors towards the people of the town, whenever there is a suit between the townsmen and the countrymen?—None whatever.

2476. In fact, do you think the juries, even though they are entirely composed of townspeople, will give their verdict impartially?—Certainly.

2477. Have you many suits on the part of the shopkeepers of the town against the country people?—Yes, occasionally.

2478. Do you consider those suits are carried on oppressively on the part of the shopkeepers against the poor country people?—No.

2479. Then, in fact, when those suits come into court, the jurors give their

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verdict impartially?—Most certainly; they are a very respectable class of persons I generally have as jurors, and they are a class of persons who would not be likely to act oppressively, or to give wrong verdicts.

2480. Do you find that the court is made use of as an instrument of oppression on the part of the shopkeepers against the poor country people?—Certainly not; I never knew an instance of it.

2481. Mr. *Villiers Stuart.*] Can you state the number of cases which have been brought before you during the last year, the number of decrees in favour of the plaintiff, and the number in favour of the defendants?—I was not aware I should be asked such a question; but I have made out a list for the year 1834, since I came into this room: the number of decrees was thirty-four, the costs upon these thirty-four decrees was 9 *l.* 7 *s.*, and the sum recovered by them was 31 *l.* 15 *s.*

2482. Are those decrees for the plaintiff?—Yes, those are decrees for the plaintiff.

2483. What is the number of cases decided in favour of the defendant?—I have not made them out.

2484. Mr. *Vesey.*] Do you find much inconvenience in getting the attendance of jurors in your court?—No.

2485. Do you issue a regular form of summons?—I do.

2486. Do you conceive you have the power of enforcing any penalty in the case of non-attendance of the jurors?—From my first appointment I found it very difficult to get a respectable class of jurors to attend; the person who filled the office before me brought the lowest description of jurors, and I wished to cure the defect as it was complained of. I tried to have a better description, and I found it very hard to get them to attend. I had some difficulty in knowing how to enforce their attendance, and I found it was by amerciament; I proceeded then to amerce some of the jurors of the more respectable class for refusing to attend. I did amerce them, and issued an amerciament to be levied. In levying it, one of the jurors made a rescue; he was summoned before the magistrates, and indicted for it; and after an information had been sworn against him, he applied to some law-adviser, and he was advised to make up the matter, so that he gave the bailiff some trifle and made it up with him, and I had no trouble after. They have attended regularly since that.

2487. Then, in fact, do the jurors attend under fear of the penalty; do you conceive that is the ground?—I do not conceive they think it is any hardship; they are not occupied more than an hour or two each day, and it does not come to each individual more than twice in a year.

2488. Do the jury give their verdict upon each case separately?—They do; each case is called on, and the matter inquired into upon evidence, the witnesses being sworn in court, and the jury return their verdict upon that evidence, and a decree or dismiss is issued.

2489. Do you charge the jury upon each case?—I do in cases where there is any legal difficulty, but in general they are so clear and plain that they do not require any charge.

2490. In case any point of law is involved, do you give them any charge?—I do.

2491. Not being a legal person, have any points of law ever arisen which you have had any difficulty in explaining to the jury?—No.

2492. In fact, you conceive that, not being a legal person, you are fully competent to explain the points of law which may arise in all the cases which come before you?—I consider so, in all the cases that have come before me.

2493. Do you hold any other office in Mallow besides the office of seneschal?—I do, that of secretary to the magistrates.

2494. Do the cases which come before the manorial court involve nicer points of law than those which come before the magistrates?—No; I do not think they do.

2495. In fact, is it your opinion, that a person who is fully competent to act as a magistrate could also preside in a manor court?—I think he could, if he would take the trouble to read upon the law relating to those questions which come before the manor court.

2496. Then do you consider that, with a very slight trouble, a person who is qualified to be a magistrate would be qualified to act as seneschal of a manor court?—

court?—I do not conceive that with a very slight trouble, but with a good deal of trouble, he might.

2497. With the assistance of a jury would such a person be enabled to act as seneschal?—Yes; under the same circumstances.

2498. Mr. *Lucas.*] Have you turned in your mind the question, whether the present legal number of jurors, twelve, is absolutely necessary for the causes in your court, or could the business be satisfactorily done with a less number?—If the law permitted it, I think the business might be satisfactorily done with a less number.

2499. If the law permitted a less number then, you think justice could be as effectually administered?—I think so, and I think it would be much more satisfactory; when I say more satisfactory, I think it would cause less difficulty to bring together a few to attend upon the jury than a great number.

2500. Is it your opinion that a less number, say seven, would be sufficient to carry on the ordinary business of the court?—I am quite satisfied it would. I have seen the assistant barrister call upon four or five persons to act as a jury in a case of difficulty.

2501. Can you give any opinion from your experience, whether, in the case of magistrates being appointed to preside in the manor courts, it is desirable that they should act with a jury or without a jury?—I think it would be desirable that they should act with a jury, because I think the people generally like the mode of trial by jury. It appears to me it is more satisfactory to them.

2502. Mr. *Vesey.*] I think you stated that you always charged the jury whenever a point of law was involved?—Yes.

2503. Have the jury generally given their verdicts according to the opinion you have stated to them?—Most frequently they have; in some few cases they have differed from me.

2504. In those cases did they go strictly according to law or upon the equity of the case?—Upon the equity of the case.

2505. Do you think the jury in general are inclined more to an equitable decision than a strictly legal one?—I think they are more inclined to an equitable decision than a legal one.

2506. Which do you think is the most satisfactory to the people generally, that they should decide equitably or legally?—I think it gives more satisfaction to the people generally, that the jury should decide according to the equity of the case than the law.

2507. Do they not generally give their verdicts according to the custom of the country and the bargains between the people generally?—They do.

2508. In those cases which you stated, where the jury gave their verdict according to equity and contrary to the strict rules of law, did you recommend any appeal, or was there any appeal?—I do not recollect the case.

2509. I think you stated, there were cases where the jury differed from your charge, and gave a verdict according to the equity?—Yes; but perhaps not more than one or two in the course of four years.

2510. What happened then, was there any appeal?—That I do not very well recollect. I cannot take upon me to say whether there was an appeal in either of those two cases.

2511. Do you conceive that the people generally like their causes to be tried by a jury composed of persons very nearly of their own class of life, and understanding their habits, manners and various bargains?—I do.

2512. In fact, do you conceive it gives more satisfaction to the people to have their cases tried thus, than by a barrister, who is a complete stranger and ignorant of those customs?—From conversations which I have had with some of the individuals upon the subject, they have expressed to me that opinion, that they did prefer a trial by jury; but I do not know whether that is the general feeling; I cannot take upon me to say that.

2513. Have you heard people from the country express their opinion that way or solely in the town?—I know the inhabitants of Mallow expressed that opinion when the Civil Bill Act was brought forward. Hearing it was intended to do away with the manor courts by a section of that Act, they petitioned in favour of the manor courts, and in that petition they expressed their approval of the trial by jury.

2514. Was it solely the inhabitants of the town, or did any of the country

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people sign that petition?—Both town and country; there was a very considerable number of signatures to it.

2515. Did they pray for any extension of jurisdiction in that petition?—They did.

2516. I think you said they prayed in that petition for an extension of the pecuniary jurisdiction?—As well as I recollect, they did.

2517. Do you think it would be advisable to extend the jurisdiction?—I am quite certain it would make it very useful, and I know many of the inhabitants have latterly expressed a wish to me to have it extended, if possible.

2518. Mr. *Villiers Stuart.*] To what sum did they pray that it might be extended?—I have had some conversation with some of them, and they appeared to think the extent contained in the first section of the 25 Geo. 3, c. 44, would make the court very useful.

2519. *Chairman.*] Do you mean making that extend absolutely, which in the Act referred to is made conditional, upon the charter having given that sum?—Exactly so; making it general.

2520. You have stated the inhabitants of the town of Mallow by a petition, and otherwise, declared their opinions in favour of the jurisdiction of the court?—Yes.

2521. It is also in evidence that there is a part of the Parliamentary borough, and a district immediately adjoining it, which is not included within the manor; I wish to ask you whether the inhabitants of that part of the Parliamentary borough, and the neighbourhood not within the manor, have ever expressed a wish to have the jurisdiction of the court extended to them?—They have frequently; you may consider it a part of the town, the river only divides it, and the people residing in Ballydahun consider it a great hardship they are not able to recover their small debts in the town, it being so close. Many of them have come to me to apply for a process for their debts, and I have told them they could not recover in my court, and sent them away.

2522. Mr. *Villiers Stuart.*] The parties living in that district, who have not themselves the benefit of the manor court, are very often I suppose brought before you as debtors?—Never.

2523. Are they not liable to it?—No.

2524. Supposing they incur a debt within the manor, are they not liable to be sued in your court?—They are not, because the 25 Geo. 3 particularly states that the parties must reside within the manor; not only must the cause of action arise within the manor, but the defendant must always reside within it.

2525. Are you aware whether those parties petitioned Parliament to have the territorial jurisdiction extended?—They did not.

2526. What court must they now have recourse to for the recovery of their small debts?—They must wait till the quarter sessions in Mallow, or go to Cork, which is miles from Mallow; to Fermoy, which is fourteen miles; to Kanturk, which is ten miles; or to Middleton, which is thirty miles, I believe.

2527. How often does the assistant barrister hold his court in Mallow?—Twice a year, under the Civil Bill Act.

2528. Then they have an opportunity of recovering their debts every six months?—Yes.

2529. *Chairman.*] Will there be, under the new Act, sessions held twice a year in Cork, and twice in Fermoy?—Yes; but the way the assistant barrister commenced is, that he held the sessions first in Cork, and the day after he finished he came to Mallow and held them there. I am told that at the next quarter sessions at Kanturk, on the 9th of June, he intends to go from Kanturk to Cork, and from Cork to Middleton.

2530. Whereas formerly, for two parts of the year out of five into which the sessions' periods are divided in the East Riding of Cork, parties whose time pressed had to go for their small-debt actions a distance varying from twenty to thirty miles; they now will have at each of the five periods of the year a sessions court held within, at the utmost, twelve or fourteen miles?—They will not have them at every period of the year, for the reason I have stated before, that the barrister contrives to hold the sessions for the different places at the same period.

2531. Then the five periods remain unaltered, do they not?—I think by that rule they do.

2532. You mention that the arrangement on the last occasion was that he held his sessions at Cork and Mallow?—Yes.

2533. And the next sessions he is about to hold will be at Kanturk, Cork, and Middleton?—Yes; I cannot state that as a positive fact. It was merely what I heard, that he intended to do it.

2534. But I wish to ask you, has your information led you to conclude that at each of his five sessions he will sit at least in one of the three towns of Cork, Mallow, and Fermoy?—His intention was to sit in each of them.

2535. Not in every time?—Yes; he is obliged to hold two sessions in Cork, and two in Mallow in each year, and he contrives to make these sessions meet so as to hold that in Mallow this week, and that in Cork the next week.

2536. Do you mean to say that the assistant barrister has complied with the order the object of which was the extension of the civil bill jurisdiction to every locality in the kingdom wherever practical; that he has complied with it in a way so much at variance from the spirit of the order as to hold his sessions in the two towns nearest to each other?—Yes; I have heard it complained of by attornies and others.

2537. Did he last time hold his court at the same sessions in Cork and Mallow?—Yes; during the Cork assizes he held his quarter sessions there, and when the Cork assizes ended he came to Mallow and held his sessions there.

2538. Has he held his sessions at Kanturk since the making of that order?—No; he holds his sessions there on the 9th June.

2539. Have you heard to what place he intends to adjourn from Kanturk?—To Middleton.

2540. Kanturk is at the western extremity of the East Riding of the county of Cork, is it not?—Yes, it is.

2541. Middleton is at the south-eastern extremity?—Yes.

2542. Then, in fact, that is a fair division, because he gives the parties at each extremity the benefit of his attendance at both places?—Yes.

2543. Would not the effect of that be, that the people of Mallow, for instance, every time the sessions are held in the county of Cork, will have the benefit of the assistant barrister's attendance at one of the three nearest towns to them?—They will.

2544. Then, at the utmost, they cannot have to go further than Fermoy; which you stated to be fourteen miles?—Fermoy, or Middleton, which is thirty-five miles.

2545. Mr. *Vesey*.] I think you said that the people preferred going to the manor court instead of the quarter sessions court in consequence of the barrister's court being held only twice a year. Now, when these courts are held at Kanturk and at Fermoy, (inconvenient places for people to go to four times a year,) do you think they will still have the same preference for the manor court they have at present?—I am quite sure they will, because though Kanturk is only ten miles, a poor man who has to go on foot to Kanturk sessions cannot well return the same day. He goes to attend to the sessions and he will remain there perhaps until his case is called on; he may be kept two or three days; he must go with his witnesses, and it is impossible for him to return the same evening; and on that account they prefer recovering their debts at home, at their own doors, as they say themselves.

2546. Suppose the quarter sessions were held four times a year at Mallow, would they prefer the quarter sessions to the manor court?—I do not know that; even at the quarter sessions at Mallow I have known persons to be kept three or four days in attendance with their witnesses.

2547. Then is it solely on the ground of the quarter sessions being held less frequently than the manor courts that the people prefer the latter court?—They go to the manor court in consequence of its being near home, and saving them expenses in that respect; and they also go for the purpose of speedily recovering their debts, which perhaps might be lost if they had to wait for the quarter sessions.

2548. Mr. *Villiers Stuart*.] Can you state what the average time which these debts are allowed to run is before they apply for redress in your court?—The debts sometimes are allowed to run for two or three months; a great many of those debts arise in this way: people go and sell pigs, sheep, potatoes, and other things on a farm; they pass an I O U for the debt, and perhaps give six weeks

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or two months credit; and, at the conclusion of that time, they seek to recover the debt.

2549. Do you think parties would be put to much inconvenience if they had a court to recover small debts only every three months instead of every three weeks?—I think they would. I think they would prefer a court every three weeks.

2550. If they allow their debts generally to run for the term of three months, would they be put to any inconvenience at all by having the court every three months?—They would; because the probability is, that after the expiration of three months, the party owing the debt would go off to America, or go elsewhere, as they frequently do. If there was not a speedy mode of recovering their debt, and the party was going to leave the country, the plaintiff would lose it altogether if he had to wait for the quarter sessions.

2551. But he now waits, does he not, nine months generally, or perhaps in the first instance three months?—That is only where time is given for the debt.

2552. Do you think any parties come within a less period than three months? Yes, frequently.

2553. Mr. *Vesey.*] Do you think they generally wait so long as that, or are the cases immediate and general?—They do not, unless they give time and enter into a regular contract.

2554. Then, in fact, those cases are very few?—They are.

2555. *Chairman.*] Then, though the debt may have been contracted three months ago, it does not fall due until they sue for it?—No.

2556. Mr. *Lucas.*] Is there not a part of the year during which poor people have very small funds at their disposal for the payments of their debts?—Yes; sometimes work is scarce; occupation is less at some seasons.

2557. Are not provisions dear and scarce comparatively from the month of April to the month of October?—Generally they are.

2558. Is it not a common dealing in the country for poor men who look to have something to sell, some produce from the land, in the winter months, to be obliged to have resort to credit for a portion of their provisions from April to October?—It is.

2559. Is that necessity of resorting to credit a common cause of suits in your court?—I cannot say it is a common cause; some causes arise out of it.

2560. Is it customary for provisions to be taken upon time during those summer months, to be paid for when the winter comes on?—In the country districts I think it is the case.

2561. But not so much in town perhaps?—No, not so much in town; they do not get credit. The farmers bring in provisions, and those cases of credit are credit given to the labourers on their farms.

2562. Is it more difficult for poor people to pay debts in the summer time than in the winter?—No, I do not think it is; they have more employ at that season, in haymaking and afterwards in getting in the harvest.

2563. Mr. *Vesey.*] Do many cases of usury come into your court?—No.

2564. Do you have any?—No; I do not recollect.

2565. Such as selling potatoes or provisions?—No; I do not recollect any case of that kind.

2566. I mean paying an exorbitant price for giving time?—No.

2567. *Chairman.*] What class of persons are those who dispose of provisions upon time?—They are generally the farmers residing about the country, who generally sell provisions to their own labourers living in the immediate neighbourhood and give them time.

2568. How far is the most distant part of the manor from the town of Mallow?—About three miles, I think.

2569. There is a sort of detached district on the river Blackwater, which is not within the barony?—Yes.

2570. That appears from the map of the boundary commissioners not to be within the parish of Mallow even?—Watertown is not within the barony.

2571. Can you state how it comes to be within the manor?—It is because it is contained within the original charter.

2572. Then there is a portion of the parish of Mallow adjoining it, and much more central to the town, which is not within the manor?—There is; in fact it is nearly surrounded by the manor.

2573. Before the quarter sessions was held in Mallow, were cases within that

manor

manor ever brought to the quarter sessions court, which might be tried in your court?—Yes, there were.

2574. Cases under 40*s.*?—Yes.

2575. Can you give any reason why they are brought into that court instead of in yours?—Yes, I can. People complain of the unlimited power of appeal under the 25 Geo. 3, for a suitor in the manor court has only to lodge an appeal and he thereby gains six months; whether it is six months to the assizes or whatever the length of time is, he gains that much delay; and he generally comes at the commencement of the assizes and pays the amount of the debt. On that account the people feel it vexatious and they like to take advantage of the assizes being in the town.

2576. Then the power of what may be called vexatiously appealing is complained of by the suitors in your court?—It is.

2577. Have you any suggestions to make as to a remedy for that?—I have. The remedy I would suggest is, that the party appealing should be obliged to lodge the amount of the debt with double costs instead of a bond with sureties. The 25 Geo. 3 requires them to enter into a bond with two sufficient sureties to pay the amount decreed, with double costs, if he does not proceed with the appeal, or if on the hearing of the case the appeal should be affirmed; but I think the party should be obliged to lodge the amount of the debt and costs which would prevent a great many of those vexatious appeals, and at all events it would be a security to the respondent when the appeal comes on; for it often happens that at the time of entering into the bond with its covenants, the appellant may give very good security, and between that time and the assizes the appellant and his sureties become paupers or go out of the manor. Two or three instances of that have come to my knowledge.

2578. You do not mean to say they become paupers or go away on purpose?—No; but they get some of their friends to become sureties who they know are going away. Some cases of that sort have occurred.

2579. Do you think to the appellants or poor suitors it might not be a hardship to oblige them to lodge the amount of the decree and double costs, and to be out of pocket that money for the five or six months which might intervene from the assizes?—A few cases of hardship might arise in that respect, but I would propose in case that was objected to, that the judge of assize on affirmance of the decree or dismiss, should forthwith issue execution against the plaintiff, &c. and his sureties, even though they may have removed out of the manor after the decree, &c. had been obtained.

2580. Has it ever occurred to you that the distance of time at which the appeal is made is a source of inconvenience and annoyance; I mean the distance of time which may possibly arise between the holding of the manor court and the assizes?—It has frequently.

2581. Have you ever considered whether that might not be remedied by giving the appeal, instead of to the judge of assize, to the assistant barrister at quarter sessions?—I thought myself it would be a good plan to give an appeal to the assistant barrister at quarter sessions, but I have heard it objected to. I could not take upon me to say the barristers were so averse to the manor courts that they would not be the proper tribunal to appeal to; I think they would.

2582. Have you heard it objected to on the ground that the barristers would not willingly confirm the decisions?—I do not think the barristers are capable of acting so; I think they would be a very good tribunal.

2583. Mr. *Vesey.*] In case of the appeal being to the assistant barrister, would you prefer the appeal being tried at the quarter sessions with or without a jury?—The barrister, I should think, would be quite as competent to decide the case without a jury as he is the other cases that come before him.

2584. Do you think the barrister's decision without a jury would give satisfaction, as you stated the circumstance of a jury being empannelled in the manor court is a source of satisfaction to the people. Do you think the people would have such confidence in the barrister's judgment that they would be satisfied with that?—I think a jury would be more satisfactory.

2585. Do you think if a jury were empannelled to aid the barrister on such appeals, that would obviate all objections that might be made?—I do.

2586. Mr. *Villiers Stuart.*] Is the class of jurymen attending the assistant barrister's court a more respectable one than that attending the seneschal's court?—No, they are the same class of persons. The number included in the

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list for attending the manor court is considerably larger than that for attending the assistant barrister's court. He only has them for a few days and the number is not so very large, and there are more consequently than the number summoned to attend the assistant barrister's court summoned to attend the manor court.

2587. Mr. *Lucas.*] If there were a difficulty before the assistant barrister's court of obtaining proper juries of twelve men for the increased number of cases in consequence of appeals, do you think a less number than twelve might serve the purpose?—I do; I think a jury of six or seven would be quite as satisfactory a jury as twelve. The number of appeals would not be very numerous.

2588. *Chairman.*] Supposing the one or other of the remedies, or rather the preventions which you have suggested against appeals to be carried into effect, do you consider that there would be any well founded objection to giving the appeal to the assistant barrister instead of the judge of assize?—I do not conceive there would be any objection in giving it to the assistant barrister instead of the judge of assize.

2589. Is not the assistant barrister a responsible officer appointed by the Government?—He is.

2590. Is he not bound to administer impartial justice at all times, as well in the case of an appeal coming before him, as in any other case which might arise in that court?—He is.

2591. And even if the assistant barristers might have some prejudices against the system of manor courts generally, are they not bound to disencumber themselves in court from those prejudices, as much as they might be from any other prejudices which might operate upon a case which comes before them?—I consider so certainly.

2592. Do you not consider that a high minded man and a man of honour would be more inclined to sift a case thoroughly from feeling he had some previous prejudices against the parties, than he would in an ordinary case in which he had no apprehension of any such feeling?—I am quite satisfied that no assistant barrister would be capable of showing any partiality in any case of the kind.

2593. Now you have stated that an objection was made to it on the ground that the assistant barristers in general had a prejudice against manor courts. I wish to ask you, are you acquainted with the other manor courts in the part of the country in which you reside?—I am not; I know some of the courts.

2594. Are there many in your neighbourhood?—No, not in the immediate neighbourhood; there is one at Charleville, within fourteen miles, one at Kanturk, one at Newmarket, and one at Cork. There are several others I am not acquainted with.

2595. Are you acquainted generally with the persons who are the seneschals of those courts?—I am not; I know two or three.

2596. Are they generally men of respectable rank in life?—All those I know are. Mr. Batwell of Charleville is a magistrate, so is Mr. Warren who was a witness here, and Mr. Hill is Lord Doneraile's agent. Those I know are respectable. I have heard there are some other manors in which there are very improper persons appointed.

2597. Have you heard that the seneschals of many of the courts are of an inferior class?—Not many of them.

2598. Are you not aware there are some districts in which it is more the rule than the exception that an inferior class of persons are appointed seneschals; that there are some parts of the country in which it is more common for the seneschals to be of an inferior than of a superior class?—In the country districts, not in the towns.

2599. Do you not consider that the prejudice which is believed to exist in the minds of the assistant barristers and others against the manor courts has in a great degree proceeded from the circumstance of unfit persons having been appointed to those courts?—I cannot take upon me to say that; I do not think the assistant barristers have anything to do with it; they do not mind whether the seneschals be proper or improper persons.

2600. But do you not conceive that the fact of improper persons being appointed may tend to give men who may learn of the irregular decisions, or the undue administration of the law in those courts, a prejudice against the system generally?—I think it may.

2601. What

2601. What are the costs in your court?—Five shillings and sixpence, according to the 25 Geo. 3.

2602. Does it include the cost of serving the process?—No.

2603. What is paid for the service of the process?—Sixpence.

2604. Are the processes served by the bailiff of the manor?—They are; parties on application may have them served themselves if they get a proper person to do it.

2605. Must that application be made in your court?—No; at the time of taking out the process, if the party said to me, "I wish to have a person of my own to serve this," and I am satisfied he is a proper person, I do not object.

2606. Do you superintend the issuing of the processes yourself?—I issue them myself.

2607. You never intrust that to an officer of the court?—No.

2608. Mr. *Bridgman.*] Is the shilling for serving the process included in the 5 *s.* 6 *d.*?—It is; and it may be as well to say that those costs are progressive: in the first instance the party pays a shilling for the process, and if the debt is not paid before the court day, he pays a shilling for the entry, and if it is not entered before the decree, he pays 2 *s.* 6 *d.* for the decree, and a shilling to the bailiff for summoning the jury; that is 5 *s.* 6 *d.*

2609. That is the entire cost?—Yes.

2610. Now, if there were an appeal to the barrister, do you not think it would do away with the business of the manor courts?—Relying on the honour and integrity of the barristers, I cannot take upon me to say it would.

2611. Do you not think it would do away with the business of the manor courts, if there were a quick appeal to the barrister, instead of to the judge; as the suitors would prefer going to the barrister's court in the first instance?—I cannot take upon me to say it would, because they might as well go to the barrister's court now, as they would then. The appeal is now to the judge of assize, and that does not prevent their going to the assistant barrister's court, if they think proper to go there in the first instance, instead of to the barrister's court. If I were to take upon myself to say, that an appeal to the assistant barrister's court would knock up the manor courts altogether, I should say that the barristers would be capable of acting corruptly, which I do not believe.

2612. *Chairman.*] In order to suppose that an appeal to an assistant barrister is to take away all the business of the manor courts, you must suppose in every case in which a decree was pronounced, almost every case would be appealed from?—Yes.

2613. But you have just suggested a plan by which vexatious appeals might be in some degree restrained?—Yes.

2614. A stringent power of recovering the amount of the debt, and double costs from a party appealing in that manner?—Yes; but I should say if the appeal were to the assistant barrister, there could be no great difficulty arising in requiring the party to lodge the money, instead of sureties. The quarter sessions happening so frequently, the party would not be kept so long out of his money.

2615. Now, if the assistant barrister discharged his duty as you have every reason to suppose he would, and set his face against vexatious appeals to his court, would not that leave the business of the manor court, as far as appeals would affect it, precisely in the same situation, if not in a better situation than it now stands?—I think it would.

2616. Mr. *Vesey.*] Do you invariably decree with costs?—Not invariably.

2617. Can you explain those cases in which you issue a decree without costs?—In a case, for instance, where the defendant proves a tender of the debt before he is served with the process; there I certainly would decree for the plaintiff without any costs.

2618. Do you do that yourself, or is it generally upon the recommendation of the jury?—It is done both by the jury and by me together; both compose the court.

2619. Have you found a beneficial effect from issuing those decrees without costs, in those cases you mention, in preventing vexatious suits in your court?—I should think it would check them; but I have not observed any particular effect: it seldom happens there is a vexatious case of that kind. The cases are very few that come to trial, and perhaps more than one instance of that kind might not occur in a year or two.

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2620. In those cases which are dismissed upon the merits, and dismissed finally; is that done upon the recommendation of the jury, or at your suggestion?—It is done by the jury; the case goes to the jury; they return their verdict, either "a dismiss," or "a decree," for so much money.

2621. I find in your book that some of them are "dismissed without prejudice," and some "dismissed upon the merits;" will you explain the distinction?—Those "dismissed without prejudice," are perhaps from want of evidence, the plaintiff not being able to bring forward proof of his debt, and they are dismissed without prejudice in order that the party may bring them forward again, if he thinks proper.

2622. What costs have they in the case of a dismiss without prejudice?—We seldom give any costs; when a case is dismissed without prejudice, we do not generally give costs.

2623. Mr. *Villiers Stuart.*] When you state that you dismiss a case without prejudice for want of evidence, do you mean to state they can bring forward evidence, but for some reason that evidence cannot be forthcoming on that day?—Yes.

2624. Mr. *Vesey.*] In those cases dismissed upon the merits, what costs are given?—The costs the defendant may be at, not exceeding 5*s.* 6*d.* If the defendant employed an attorney, he would give him a fee of 2*s.* by the 25 Geo. 3, which we allow.

2625. *Chairman.*] But in case the plaintiff employs an attorney and succeeds in his cause; is he entitled to have that fee of 2*s.* taxed against the defendant?—I never allow the costs to exceed 5*s.* 6*d.*

2626. Mr. *Vesey.*] Then in case a professional person is employed, the party employing him must pay the fee himself?—Yes.

2627. In fact you do not recognize a professional person as far as the costs go?—No.

2628. Mr. *Villiers Stuart.*] Are they generally employed in your court?—No; very seldom. The cases are generally of a very simple nature; they are mostly for debts due upon a promissory note, or I O U, or goods sold and delivered. Those are the general causes of action there.

2629. Do you fill up the decree yourself, or do you oblige the parties to fill it up?—I fill it up myself.

2630. Do you consider that the fee of 2*s.* 6*d.* for the decree includes your trouble?—Certainly; for the Act of Parliament expressly gives it for making out and signing the decree.

2631. Mr. *Bridgman.*] Do you decree upon an I O U, payable at a certain date?—No; that would amount to a promissory note without a stamp: if it is not payable at a certain date, an I O U is evidence of an account stated and settled.

2632. Mr. *Vesey.*] I see in your court book, that at the end of the proceedings of each day, the foreman of the jury signs his name as if returning the verdicts; have those cases been decided separately or all together?—Separately.

2633. Then can you explain this; at the end of the book there is "Agreed to, and approved by me," signing your name; why do you enter that?—Only that it was the practice before I was appointed. I do not exactly know why.

2634. You do not think yourself called upon to affirm or disaffirm the verdict of the jury?—No.

2635. Then do you consider yourself bound to receive the verdict of the jury, whether you approve of it or not?—Certainly. The Act of the 25 Geo. 3, directs, that the case shall be heard in open court, before the witnesses and the jury, and upon their verdict the seneschal is to make a decree, and issue execution.

2636. In fact, a great deal of the efficiency of the court depends upon the selection of proper persons as jurors?—I think it does.

2637. Mr. *Villiers Stuart.*] Do the jury often act upon the power they have of decreeing that the debt shat be paid by instalments?—No; the sums are very small, and it very seldom happens that a person is summoned who is not able to pay the full amount of the debt. I do recollect one instance where the jury directed the sum should be paid by instalments, and it was acted upon.

2638. Mr. *Vesey.*] Can you state how many appeals there have been made for the last three years and a half, up to the time when your return was made?—Twenty.

2639. How

2639. How many of them have been allowed, and how many reversed?—Eight went to trial, and one was reversed.

2640. And the other seven were affirmed?—Yes.

2641. Does the judge call upon the seneschal to examine him upon each appeal?—Never; the seneschals are obliged to attend at the assizes.

2642. But you have not been called upon?—I have not; I have known instances of the seneschal being called upon; but the judge does not call upon him in every case.

2643. Do you think it necessary to attend in case you should be called upon?—I do.

2644. Is any evidence allowed on an appeal which has not been before you at the manor court?—There is; I have not heard it objected to at least.

2645. Have you known cases where new evidence has been admitted?—That I cannot say.

2646. In that one case which was reversed, was new evidence allowed there?—No; that was after the passing of the Act which gave the power to the seneschal and the jury of examining the parties, plaintiff and defendant. The plaintiff went into court, and he produced a witness who partly proved his debt, and he partly proved it himself; an appeal was lodged, and it went to the assizes to be tried, and at the assizes he did not produce his witness. He thought, or was informed, his own evidence was quite sufficient, and Mr. Baron Pennefather, the judge who tried it, when he found the man did not bring forward his witness, dismissed the appeal. The Act of Parliament was alluded to, and he said that the Act never meant to give a power to the court to decree upon the sole evidence of the plaintiff without some corroboration; and in consequence he dismissed the appeal without costs. I was present on that occasion.

2647. Were you examined in that case, to explain the nature of the evidence which appeared before you in the manor court?—I was not called upon.

2648. In fact, it was treated as if it was a new case?—No; it was tried upon the appeal, but for want of evidence it was reversed.

2649. Was that from your own court, or another court?—It was from my own court.

2650. *Chairman.*] You stated just now that attornies very seldom practise in your court?—Very seldom.

2651. Can you undertake to say how often in a year an attorney will come into your court?—There are seventeen courts held in a year; I should say an attorney comes, perhaps, about once in every six months upon an average.

2652. Do any persons not sworn attornies practise as agents in your court?—No; I never allow it.

2653. Do you require attornies who practise in your court to be sworn, or to go through any form before they are permitted to practise, or do you permit an attorney who is known to you to practise without any previous form?—I do; I know all those in the town.

2654. Mr. *Villiers Stuart.*] Do you think where attornies are employed, appeals are more resorted to than when they are not?—I do.

2655. That they rather encourage further litigation?—They do.

2656. *Chairman.*] How often are the petty sessions held in Mallow?—About once a week.

2657. Do many wages' cases come before the bench of magistrates?—A great number.

2658. Are wages' cases often tried in your court?—Not often.

2659. Do you attribute that to the circumstance of your pecuniary jurisdiction not being so extensive as the magistrates', or to the fact of the costs being higher in your court?—To both causes; sometimes to the pecuniary jurisdiction not being sufficient; and sometimes, and principally I would say, to our powers of appealing; and next to that, to the costs at the petty sessions not being so high.

2660. Is the petty sessions district at Mallow more extensive than the manor?—Considerably.

2661. In general, then, there are many wages' cases coming before the petty sessions court from the manor of Mallow?—There are a good many.

2662. Upon the average, what proportion of the cases you try in the manor court are wages' cases?—Very few; I should say not more than one in forty or fifty.

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2663. Mr. *Vesey.*] When you said they disliked bringing wages' cases into your court on account of the great power of appealing; in those wages' cases that have come before you, have there been appeals?—I think not more than perhaps one in forty or fifty cases. I do not recollect whether those cases were appealed from; but at all events I should think the people would prefer the recovering of their wages before the magistrates, it is so much cheaper.

2664. In fact, that would be the chief ground?—I think so.

2665. But in cases of wages do you not decree with costs?—Yes.

2666. Therefore, if you decree with costs, and the plaintiff has a good case, he would not be deterred, in consequence of the expense of the manor court, from coming to your court?—They sometimes feel it inconvenient, advancing the costs.

2667. *Chairman.*] Looking over your book, I perceive from an entry of the court baron held on the 4th November 1833, that in one of the cases the plaintiff appeared to be an inhabitant of the suburb of Ballydahun, which you mentioned to be without the bounds of the manor, and the defendant was a resident in the town; how do you reconcile that with your previous answer?—Those are the plaintiffs.

2668. Then your previous answer with reference to the parties being required to reside in the manor, only applies to the defendant?—Yes; the process is to the defendant, who must reside within the manor.

2669. Then you wish to qualify your answer so far as this, that you do not consider it necessary the plaintiff should reside within the manor?—Certainly not, provided the cause of action arises in the manor.

2670. Mr. *Villiers Stuart.*] Then a creditor residing out of the bounds of your manor has the advantage of recovering a debt in your court?—He has.

2671. I understood you just now to say they had applied for an extension of the jurisdiction, because they thought it hard that they could not recover their small debts when they lived out of the manor?—Yes. Those are cases of defendants residing in the same district which is not within the manor. In all those cases where the plaintiff does not reside within the manor, the plaintiff, when he is going to enter upon his suit, calls upon me and deposits the cost of the process, and he deposits the amount of the costs which may be incurred, in case he is dismissed, until the case is disposed of; and when it is disposed of, if he gets his decree, he gets the costs back again. It is the same thing in the assistant barrister's court. The assistant barrister admits a plaintiff not residing within his district to sue a defendant residing within it, provided the cause of action arises there.

Veneris, 2° die Junii, 1837.

MEMBERS PRESENT.

Mr. Brady.	Mr. Lucas.
Mr. Bridgman.	Mr. M. J. O'Connell.
Mr. French.	Mr. Villiers Stuart.
Mr. Hamilton.	Mr. Vesey.
Mr. Jephson.	

M. J. O'CONNELL, ESQ., IN THE CHAIR.

J. Calvert Stronge, Esq., called in; and Examined.

J. Calvert Stronge, Esq

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2672. *Chairman.*] WHERE do you reside?—I reside at present at Teynham Abbey, in the county of Armagh.

2673. Have you at any time been seneschal of any manor in Ireland?—I was for nearly two years seneschal of the manor of Dungannon.

2674. In what county?—In the county of Tyrone.

2675. Is that an extensive manor?—There are 34 townlands in the manor, which average the usual size of townlands. I suppose there are about 8,000 acres of land in it.

2676. Are there any townlands in the manor except the manor of Dungannon?—None.

2677. Is

2677. Is the manor of Dungannon a populous one?—Very much so.

2678. What should you suppose to be the amount of population?—I really cannot say; but Dungannon of itself contains, I imagine, upwards of 4,000 inhabitants. It is a very thickly inhabited county.

2679. Is it a manufacturing district?—Both manufacturing and agricultural; there is a great deal of linen trade in that country.

2680. Where were the courts for that manor held when you were seneschal?—In the court-house of Dungannon; in the baronial court-house.

2681. Do you mean by baronial court-house, belonging to the quarter sessions?—Yes.

2682. Is Dungannon one of the quarter session towns for the county of Tyrone?—It is.

2683. Is the place where it is held central as regards the manor?—I think it is very fair; pretty central; it is not quite in the centre of the manor, but it is a very convenient place.

2684. Both from its situation, and being in the chief town, it is in the most convenient place for the inhabitants to attend?—Yes.

2685. How often are the courts held?—Once every three weeks.

2686. To what pecuniary amount are actions brought in that court?—To the amount of 20*l.*

2687. Is there the process of attachment?—There is.

2688. Is that process frequently exercised?—Occasionally; not very frequently, but it is occasionally.

2689. Did you always consider yourself bound to require an affidavit previous to the issuing of an attachment?—Always.

2690. Are the boundaries of the manor well defined?—Clearly.

2691. Are they co-extensive with the boundaries of parishes, the baronies in the county of Tyrone?—No, not co-extensive; they include portions of different parishes.

2692. Is the whole of the manor of Dungannon the estate of one proprietor?—It is.

2693. Who is the lord of the manor?—The Earl of Ranfurly.

2694. Is the manor co-extensive with the estate of Lord Ranfurly?—The estate is larger than the manor; but the entire of the manor is his property.

2695. Mr. *Vesey.*] Does it go by the civil divisions?—It goes by townland.

2696. And therefore, on that account, there is no difficulty in ascertaining the true boundaries?—None, because the boundaries of the townlands are clearly ascertained.

2697. *Chairman.*] Are those townlands bounded themselves on any parts, to your knowledge, by other townlands, also the estate of the same proprietor?—They are.

2698. Do you not conceive that an obscurity might arise from the circumstance; for instance, parts of his estate, some of which are within the manor, and others without, being farmed by the same tenants of the boundary; from that circumstance would it not be confused?—I think not; I do not see how it could.

2699. Mr. *Villiers Stuart.*] Is that part of Lord Ranfurly's estate which is not included in the manor of Dungannon, included in any other manor?—It is, part of it.

2700. What is the name?—It is in different manors. Part of this manor, one townland of this manor is even surrounded, at least it is separated from his estate. I am not quite clear whether the other is extra-baronial or not, but part of it is in another person's manor. For instance, there is the manor of Killyman on one side, and on the other side, part of his property is in the manor of Castle Corfield.

2701. Then the ownership of the manor is in some instances separated from the ownership of the property?—It is.

2702. Mr. *French.*] Did you, while seneschal, ascertain what were the limits of the manor of Dungannon?—Certainly.

2703. You would not take cognizance of a suit between two tenants of Lord Ranfurly, one living within the manor, and the other living on his estate adjoining the manor?—I might in some cases where I considered that the attachment was right, then I would take cognizance. I should take cognizance of a case where a man living out of the manor had received an acknowledgment of the debt in the manor, and was proceeding against a person living within the manor.

2704. Mr. *Vesey.*] You would take cognizance of the suit if one of the parties was an inhabitant of the manor?—Yes.

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2705. And both tenants of the lord of the manor?—I should not consider that as a ground to entitle me to proceed; I should not consider that would influence me; he being a tenant, and I being the deputy, in my opinion, would not entitle me to take cognizance of the case any more than it would in the case of a stranger.

2706. Mr. *French*.] Do you consider that you have power to decide between two persons, one of them living out of the manor, having no possession in the manor, if the cause of dispute had originated in the manor, and the other being resident in the manor?—I consider that my process will not issue out of the manor; my process is not compulsory out of the manor, I am clear of that.

2707. Suppose such a case as you have mentioned, a dispute with regard to a debt owing to a person resident in the manor, and a person residing out of the manor; that the person residing out of the manor had acknowledged the debt within the limits of the manor; if you, acting according as you have been accustomed to do, give a decree against the person residing outside the manor, how could you enforce it?—I could not enforce the decree against him.

2708. *Chairman*.] It is then that you only take cognizance of such cases, when the defendant and not the plaintiff resides within the manor?—Exactly. I am quite clear I could not act even in those cases, unless there is an acknowledgment in the manor, unless there is something to bring the cause of action within the manor.

2709. Was there much business during the time you were seneschal?—Yes.

2710. Have you any idea of the amount?—I have no idea. I had no idea I should have been examined on this subject, and I am not prepared to say; but I hold in my hand a return which I have in my pocket; it is a return of the number of persons proceeded against by the present seneschal.

2711. Who is the seneschal who succeeded you?—Mr. Henry Poole.

2712. What do you conceive to be the emoluments of the office of seneschal?—I should think they varied very much. When I held it I think it was not more than 50 *l.* a year, or something of that kind.

2713. Are you a barrister?—I am not.

2714. Are you the son of Sir John Stronge?—Yes.

2715. Can you give to the Committee any reason for your holding the office at all?—My reason was, because I was agent to Lord Ranfurly, and his agent has been generally the seneschal of the manor.

2716. Does not that proceed from this cause, that the agent to the estates of the lord of the manor can, with less loss, whether pecuniary or of time, devote himself to the duties of seneschal, than any other person of equal station and respectability?—I cannot say that it proceeds from that. I should say it proceeded from the lord of the manor wishing that a responsible situation of that kind should be held by a person in whom he had confidence; a person he considered fit to hold it. In general that was the reason, I should say; an agent can hold it with less inconvenience than another person could do, and his influence as agent gives him more power and more usefulness in the situation than a stranger would have.

2717. You have stated that the whole of the manor was the estate of Lord Ranfurly; is any part of it land on perpetuity leases, either in fee-farm, or lives renewable for ever?—A considerable portion of it is land in perpetuity, on lives renewable for ever.

2718. Is any of it land on fee-farm grants?—There are some houses in the town, but no portion of the land, I think.

2719. What portion of the manor should you say was land on these perpetuity leases?—I really cannot give an idea; but as compared to the whole, only a very small portion, I should say.

2720. Are the holders of those perpetuity leases generally persons of wealth?—Very highly respectable most of them are.

2721. Deriving large interests under the lord of the manor?—In most instances they do, from the outlay of their own capital, because they happen to be leases under what is called the "Linen Act." There was a particular Act for leasing small portions of land in perpetuity for the encouragement of the linen trade, and these persons have laid out large sums of money upon the land, so that they are much more valuable.

2722. Are the leases old ones generally?—Yes, principally old ones; that is to say, I do not imagine there are many perpetuity leases of that description older than 50 years. The Act of Parliament was introduced by the present Lord Ranfurly.

2723. Of what classes in life are the persons who generally serve as jurors in the manor court?—The class of persons who generally serve as jurors in Dungannon court is very respectable indeed.

2724. Are they generally as respectable as those who serve as jurors at the quarter sessions?—Quite so.

2725. Are they all tenants or inhabitants of the manor?—All.

2726. How are they summoned?—They are summoned three days before the holding of the court by a summons signed by the seneschal.

2727. Is the summons served by the bailiff of the court?—Yes, it is served by the bailiff upon them.

2728. While you were seneschal, were you in the habit of making out a list of persons to be summoned yourself, or leaving it to the discretion of the bailiff?—When I first became seneschal I made out a list of all the tenants upon the estate whom I considered would make respectable jurors, and then I directed the clerk to take them in rotation, so that no one person should have to attend too frequently.

2729. The clerk or registrar of your court?—Yes.

2730. And did he then give the list to the bailiff previous to each court day, in order to have them summoned?—I signed the summonses myself; I generally signed the summonses for jurymen without seeing the names, but I know he could not go out of my list.

2731. According to that plan, how often, upon an average, in the course of each year is each person called upon to act as juror?—I should say generally about three times a year; some of them attended more frequently, because they had a fancy for it, I suppose.

2732. Mr. *Vesey.*] When you say you made a list of all the respectable inhabitants of the manor to serve upon juries, did you take them indiscriminately from town and country?—I generally tried to mix them, not to have a complete jury of townsmen or a complete jury of countrymen, but to mix them up together, some town and some country.

2733. Were there many suits on the part of the inhabitants of the town against the inhabitants of the country?—A great number.

2734. Did you find the juries acted impartially in those suits?—I do not recollect a case in which I thought the jury acted with partiality to either side; I think they acted with perfect impartiality.

2735. In fact, do you think, from the composition of the jury, the manor court could have been made a ground of oppression on the part of the shopkeepers in the town against the inhabitants of the country?—I am confident, from the composition of my jury, it never could have been made a ground of oppression, for the jurors themselves are much too respectable persons to indulge in any feeling of that kind.

2736. Even if they were townspeople?—Even if they had been all townspeople, I am convinced they would not have done anything of that kind. They were generally such a respectable class.

2737. *Chairman.*] How many jurors were you in the habit of summoning for each court day?—Generally about 17 or 18.

2738. Have you ever had occasion to set jurymen aside?—Never.

2739. There never has been any objection, either on the part of the jurors themselves or the part of the suitors, to any particular juror?—I recollect on one or two instances saying to persons I was about to swear on the jury, "Perhaps you had better not be sworn if you are remotely or indirectly interested in the case." I have a recollection of saying so once or twice.

2740. That was previous to the swearing of the jurors?—Yes.

2741. But in cases arising after the jury had been sworn, and had tried one case, have you ever, in a case of that kind, known a juror to be objected to?—No, I never have.

2742. You always knew in the beginning of the day what cases were to be tried?—Yes.

2743. And if there was an objection to a juror serving on any of those cases, you would probably, from your own knowledge of the parties, have been able to foresee it?—I should.

2744. Was the court-house a commodious one for the purpose of holding a court in?—Very much so indeed; it was a very good court-house.

2745. Was there abundance of room for the suitors, the jury and the public?—Quite so for as many people as chose to go there.

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2746. During what hours did the court generally sit?—The court generally used to sit from eleven o'clock to four or five; sometimes it was a little later, and sometimes it rose earlier.

2747. What was the average number of cases each day?—I speak entirely from recollection, I should say the average number of cases tried was about seven or eight, or perhaps six; but there were a great many more processes issued which did not come to trial; I suppose one-fourth of the processes did not come to trial.

2748. Do you mean, upon the average, seven or eight cases coming to trial took a jury from five hours to five hours and a half?—Sometimes they took more.

2749. Mr. *Vesey.*] Did you always charge the jury at the end of each case previous to their retiring?—I generally did; in some cases I did not think it necessary to do so.

2750. Whenever a point of law was involved, did you always explain it to them?—I did my best to explain points of law to the jury whenever they arose.

2751. Are you a magistrate of the county?—Yes, I am.

2752. Did you ever find that points of law arose which you had any difficulty in explaining; which you did not feel yourself, as a magistrate, fully competent to explain?—There were sometimes points of law which I had some difficulty in. There must always arise points of law which there must be a difficulty in a man explaining, who is not a lawyer.

2753. Whenever you found it necessary to explain a point of law to the jury, did they always give their verdict according to the explanation you gave to them?—No, they did not. Juries are often rather averse to take a legal view of the case, and inclined to take an equitable view of the case.

2754. In fact, did you generally find that the jury decided according to the equity, even though it might be contrary to the strict letter of the law?—I have seen instances where the jury decided according to the equity, as I considered, and rather in opposition to the law of the case; and I have seen instances where they allowed evidence to weigh with them which might be good evidence as far as the equity of the case went, but which, to my mind, was not legal evidence, and I think I have seen them act upon it.

2755. From your experience and knowledge of the people in the neighbourhood of Dungannon, do you conceive that those equitable decisions of the jury gave more satisfaction than if they had given a strictly legal one?—Yes, I do.

2756. In those cases which you have mentioned, where the juries decided equitably and not strictly according to law, did the unsuccessful party generally appeal, or did he abide by the decision of the jury?—I have a difficulty in answering that question, because I do not at present recollect any individual case in which the jury decided equitably in opposition to the legal view of the case, but certainly appeals were frequent.

2757. But you could not learn whether it was upon those grounds or not?—I rather think not upon those grounds more than others. Often a disappointed man will give notice of an appeal which is groundless.

2758. *Chairman.*] Did the juries often have occasion to retire to deliberate?—Very often; in fact, they did so more frequently than not.

2759. In those cases did they retire to the jury-room used for the quarter sessions?—Yes, they did.

2760. Were they strictly guarded when they retired?—There were no means of communicating with them. It was in a room to which there was only a communication through the court, and no person could get to them.

2761. Not even through the windows?—No, decidedly not.

2762. Mr. *Vesey.*] Will you state what the date of the charter of Dungannon is?—It is the 8th James 1st.

2763. Have these courts been held for a long succession of years at Dungannon, or were they neglected for any period?—I have no reason to suppose they have ever been neglected; I never heard they had, and I believe them to have been held constantly.

2764. You have stated there are other manors in the neighbourhood of Dungannon: are there manor courts held in those manors?—I believe so; I have heard so.

2765. Do you know whether they were established at the same period as the manor of Dungannon?—I do not know what the dates of the other manors are.

2766. Were you seneschal of any other manor?—No, I was not.

2767. How did it happen that the seneschalship of the manor is in some instances

stances separated from the ownership of the property?—Because in some instances part of the neighbouring property was sold, and purchased by the owner of this manor of Dungannon; portions of the property around it were sold, which were purchased by him; he did not purchase the entire of this manor.

2768. In that case is there a seneschal appointed by the old lord of the manor?—Yes, he continues to appoint. He has not purchased the ownership of these manors, but some townlands; and the lord of the manor continues to appoint his seneschal, who exercises jurisdiction over townlands which have been purchased by Lord Ranfurly.

2769. Do you know any instance where the whole of the property has been bought by the lord of the manor, and yet the feudal right of appointing the seneschal is still retained by the party who sold the property?—I do not know any instance of the kind.

2770. *Chairman.*] Are there in any instances difficulties arising from the fact of the right of appointing the seneschal being in the hands of one party, and the ownership of the land being in the hands of another?—I do not recollect any case of difficulty arising from it.

2771. In your character as agent to those parts of Lord Ranfurly's estate which were in the manors of other proprietors, did you ever find any such inconvenience complained of by Lord Ranfurly's tenants?—I do not recollect any complaint.

2772. Are the seneschals of the other manors upon which part of Lord Ranfurly's estates are situate in the same situation as yourself, that is, magistrates of the county?—No, they are not.

2773. Are they the agents of land proprietors?—One of them is; I do not know who is at present seneschal of the other manors I have alluded to.

2774. Is the one you alluded to agent to an extensive proprietor?—He is agent to a gentleman who is a member of the Tyrone grand jury.

2775. Is he a man of independent property besides his agency?—He is not a man who has any extensive estate; he is not a member of the Tyrone grand jury, nor is he a magistrate of the county of Tyrone.

2776. How long is it since you ceased to act as seneschal?—It is about a year since I ceased to act as seneschal.

2777. And at that time you ceased to act as agent of the property?—Yes, I ceased to act as agent at the same time.

2778. Did attornies often practise in your court at Dungannon?—Occasionally; I should rather say frequently.

2779. Do they practise in any other cases except those in which either the sum involved is considerable, or in which there is a point of some interest to the parties concerned, something beyond the mere pecuniary amount of the debt?—In general the employment of an attorney rather depends upon the station or position in the world of the suitor, whoever he may be, than upon the nature of the case.

2780. Do men of much wealth often come into your court as suitors?—Frequently.

2781. Is it requisite in that court that attornies, in order to practise in it, should be first sworn in the court?—It has not been the practice: I do not believe it is requisite either.

2782. Even in cases where the common law process by attachment is used, is it considered necessary that they should be sworn?—No, it has not been the practice. I imagine that all attornies who practise in those courts must have been regularly admitted attornies of the common law courts.

2783. But there is no admission into the manor courts?—No.

2784. Are the cases of attachment often defended?—Frequently.

2785. Do any persons not sworn as attornies ever practise as agents in the manor courts?—Not that I am aware of; I should object to a person practising as an agent if he was not an attorney.

2786. To the best of your recollection no such persons practised while you were seneschal?—No such persons practised while I was seneschal.

2787. What are the costs allowed in a proceeding by attachment when it comes to trial?—I have a return from the seneschal here, in which it is stated that the costs of an attachment are 4*s.* 6*d.*, entry of ditto 3*s.* 6*d.*, execution 2*s.* The amount of fees by attachment I do not conceive to be affected by the Act of Parliament which regulates the fees in other cases.

2788. Do you mean to say that this sum of 10*s.* includes the whole costs paid by a party on attachment?—I never levied an execution upon an attachment in any

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any one instance. It never happened to me to have to levy the entire costs of an execution upon an attachment; and as I speak from recollection, without reference to the books, I am not prepared to say what the costs would be upon an attachment if it proceeded to the last stage.

2789. In the case of proceeding by the common process of civil bill, what are the costs in that court?—The costs amount to 5 *s.* 11 ½ *d.* or 6 *s.*

2790. That would be 5 *s.* 11 ½ *d.* of the old Irish currency?—I think the cost under the Act of Parliament comes to more than 5 *s.* 11 ½ *d.*; I mean the cost for which execution is allowed now. I know that execution is levied for 6 *s.* costs now. The costs are regulated by the 25th Geo. 3, which was afterwards amended by the 7 & 8 Geo. 4.

2791. Are you aware whether that sum, 6 *s.*, includes the cost of the service of the process?—Yes, it does certainly; and it includes 1 *s.* for summoning the jury.

2792. Was it the custom in your manor for the process to be served by the officer of the court, or by the parties themselves, or a person at their expense?—By the officer of the court always.

2793. Have you ever attended the civil bill court at quarter sessions?—Yes, I have.

2794. Are you aware what the amount of the costs recoverable by the defendant in a process in that court is?—I think it is 6 *s.* 4 *d.*; I rather think so, but I am not quite certain about that.

2795. Does that 6 *s.* 4 *d.* include the fee to the attorney for the plaintiff?—I think it does.

2796. Then, in the case of an action in the manor court, if a party should think fit to employ an attorney, he would not be able to recover that sum against the defendant in the shape of costs?—He would not.

2797. So that for the difference of 4 *d.* in the amount of costs in the assistant barrister's court, the plaintiff might retain the services of a professional person, and if he had a just cause of action, recover the fee for those services from the defendant; whereas, in the manor court, the costs being nearly the same, he would have to be out of pocket the expense of the attorney's fee?—Yes.

2798. Is it not plain that one or other of two things must be the case; that either the costs in the manor court are too high, or that the costs in the quarter sessions civil bill court are too low?—I do not see that.

2799. Do you think the costs in the assistant barrister's court are too low?—I consider the costs are as low as they could be made in the assistant barrister's court, and I do not see that in the manor court they are exorbitant or high.

2800. Do you think they are as low as they could be made?—I am sure it is not a lucrative situation, that of seneschal; but in the case of a proceeding at the quarter sessions, it is generally a much more expensive mode than of proceeding in the manor court, because a party does not know when his case is to come on; he has to bring his witnesses, in all probability, from a distance, and he has not all the conveniences he would have in the other case.

2801. Then do you think that, in consideration of all the facilities the manor court affords him, he would be content to pay a little dearer for them?—I do not consider he does pay dearer for them.

2802. He would pay a little higher in the shape of costs, in consideration of the cheapness he obtains in other respects?—I do not think it often happens; I think it happens very seldom indeed that it does come more expensive to the suitors proceeding in the manor court. I am not prepared to say he should pay more because it is brought nearer to his door; I am not prepared to say that, but I merely bring it forward to show my opinion, there is no very great case of hardship upon him.

2803. In fact, is not this your inference, that you conceive it is better for a man to pay 1 *s.* or 2 *s.* more in the shape of costs, than to pay 4 *s.* or 5 *s.* more in the shape of his own and his witnesses' expenses?—I conceive it is more a man's interest to have his case tried immediately, and to know when his case is to be tried, than to have a distant day for the trial, not to know what day it will come on, and to be at the expense of keeping himself and his witnesses in the quarter sessions town.

2804. Is the quarter sessions division of Dungannon a very extensive one?—A very extensive one indeed.

2805. Are there parts of it very distant from the town?—There has lately been an alteration by the Lord Lieutenant under an Act of Parliament, but formerly

a part of the division was some distance from the town of Dungannon; I should say 20 miles. I may be mistaken there; it was at least 15 miles.

2806. Were the cases heard previous to the passing of a late Act in any order, whether as to the locality, or as to alphabetic arrangement?—The cases were generally heard at quarter sessions in this order: Undisputed cases were heard first; each attorney, according to seniority, was allowed to bring forward as many undisputed cases as he was ready with; then the disputed cases were called on alphabetically.

2807. So that those persons who had the greatest number of witnesses for their disputed cases were kept till the last?—Yes; but in the other cases a trial lasted a very short time; it was merely a formal proceeding.

2808. Mr. *Villiers Stuart.*] How often does the assistant barrister hold his court at Dungannon?—He has hitherto held it twice a year, but there has been a change under a late Act of Parliament, when the Lord Lieutenant was memorialised to separate the barony of Dungannon from that of Clogher. The sessions will be now held four times a year.

2809. How do you account for so much civil bill business being tried before the assistant barrister's court, while there are manor courts held over the whole barony for which he holds that court every three weeks, so that parties have an opportunity of trying their cases there?—I do not know that there are manor courts held over the whole district, but my impression is, there are manor courts held over the whole district.

2810. Mr. *Vesey.*] Did you find that about the period when the quarter sessions were held, there were fewer cases coming to your court than at any other time?—I really cannot say I did.

2811. Just previously to the quarter sessions, was there less business in your court?—I am not prepared to say that.

2812. In fact, there was so little diminution of business in your court, that you cannot speak positively to it?—No, I cannot say there was a diminution of business previous to the quarter sessions.

2813. Then do you not think if the quarter sessions courts were held more frequently, the people from other causes would still prefer the manor courts to going to the sessions?—Many of them would.

2814. Did you ever hear any complaints on the part of the people as to being brought into the manor court, on account of the higher costs there than at the quarter sessions?—Never.

2815. Did you ever decree in any case without ordering costs?—I do not recollect a case in which I did.

2816. Did you invariably order the costs?—Yes, I did so. I think the jury once or twice found for the plaintiff or defendant without costs, as the case might be, but it was very seldom indeed.

2817. Can you state from your recollection of those cases whether there was anything peculiar in the cases which caused the jury to give their verdict, recommending that costs should not be given?—There was some peculiar feature in the case which induced them not to give costs.

2818. Can you state what it was?—I cannot bring the case to my mind particularly, but I recollect that was the case in one or two instances.

2819. But do you not conceive the jury, having the power of giving such a recommendation, would prevent any oppressive, or any greatly vexatious case from being brought into the manor court?—I think it would tend to do so.

2820. Mr. *Lucas.*] Did the sitting of the manor court usually last more than one day?—Only one day.

2821. So that whatever number of cases might be brought for trial there, the party concerned in them is never delayed more than one day?—I was always able to go through them all in one day.

2822. Is the distance to which the jurisdiction of the manor extends, such as that the parties could readily return the same day?—Very easily; I think the most distant point of the manor can scarcely be three miles from the town of Dungannon.

2823. So that parties rarely or never had occasion to be at any expense in attending?—They never had.

2824. How is the seneschal remunerated, by fees or by salary?—By fees.

2825. Are those fees sufficient to obtain a respectable person qualified for the situation?—I do not think they are sufficient of themselves; I do not think any

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very respectable person would hold the situation of seneschal of the Dungannon court, unless he had something else besides.

2826. He usually holds it, I presume, not for the profits of the office, but for the benefit of the property; from the authority which it must of necessity attach to the office of agent or receiver of the estate?—Yes, that is usually the case.

2827. So that it would be impossible to procure a respectable person without connecting the receivership along with it?—A respectable person who might happen to live in the town of Dungannon, who might hold the office, it might be some object to him if he was a person of moderate circumstances, but you could procure no respectable person to give up an employment elsewhere, or come from a distance and settle in the town of Dungannon, for the sake of the emolument he would receive from the manor court.

2828. Do you think a respectable person could be got for anything less than the present remuneration, to reside in the town or elsewhere, if the fees were diminished; speaking of the seneschalship alone, putting the agency out of the question, could a respectable person be got to accept the situation?—I think not.

2829. Then it is necessary that the seneschal, whoever he may be, should be remunerated either wholly by fees, or in part by the advantage of having another situation?—Yes; that is, provided you mean him to be an efficient seneschal.

2830. Taking all the circumstances together, do you think the average amount of costs to the plaintiff or defendant is greater or less in your court, than it would be in the quarter sessions court, taking the expenses of witnesses travelling and all together?—Upon an average of all the cases tried, I am convinced the expenses would be much less of cases tried in the manor court, than at the quarter sessions.

2831. And the manor court occurs much oftener?—Yes, the manor court occurs much more frequently.

2832. Mr. *Villiers Stuart.*] Had you many cases in your court to the amount of 20*l.* brought before you?—Not many cases to that amount.

2833. What was the average sum; was it under 40*s.*, or beyond that?—Sometimes it was 10*l.*, 12*l.*, 20*l.*, and sometimes under 40*s.* I do not think it was confined to 40*s.* particularly, or under 40*s.* Very frequently cases were brought to my court which possibly might have been tried at the assistant barrister's court, if his jurisdiction had been higher.

2834. In the cases of 9*l.* or 10*l.* was there generally an attorney brought into court?—Generally.

2835. Did you not sometimes find yourself awkwardly situated in not having been legally educated, having a legal person laying down the law before you, which you were not able to serve upon?—I generally preferred having an attorney; I think, in general, in a difficult case, it served to make it more clear to me, having attorneys on both sides.

2836. Do you think it desirable that seneschals, who are not legally educated, should have so large a jurisdiction as 20*l.*?—I do not see any great objection to it, the appeal is so cheap, and there is so little difficulty about appeal.

2837. Mr. *Vesey.*] Did you find many points of law arose which were more difficult to solve than such as would arise in the petty sessions court?—In the petty sessions court we do not confine ourselves to legal evidence, and I always endeavoured to confine the testimony of the witnesses in the manor court to what was legal evidence.

2838. In fact, the cases which arose in the manor court, which involved points of law, were very nearly the same with those which arise at the petty sessions?—Certainly there were points of law more difficult than what could arise before the petty sessions; sometimes there were cases of property.

2839. Not very frequently?—Not very frequently, but there were, occasionally, points of law.

2840. Mr. *Villiers Stuart.*] You consider there is less inconvenience arising in the case of a seneschal not being a legal person, because an appeal is so easily obtained?—Yes.

2841. Does that not add considerably to the expense of the party?—I do not know, exactly, what the appeal comes to. The party gives security in double the amount of the debt and costs for prosecutng his appeal, but I do not know what the expense of the trial is; I know it is a very short proceeding indeed.

2842. *Chairman.*]

2842. *Chairman.*] You stated just now, you found a case was made more clear to you where there were attorneys on both sides; have you ever known a case of any difficulty coming before you, in which an attorney was engaged on only one side?—In general, where one party has an attorney, the other has one also.

2843. But the employment of attorneys depends, if I understand you rightly, more upon the wealth of the parties than upon the nature of the case?—Yes, I think it does.

2844. Then supposing a case of a disparity in wealth between the two parties in a suit, and supposing that it should happen that an attorney is employed on one side and not on the other, do you not conceive that a want of legal knowledge might be a very inconvenient and very puzzling thing to the seneschal and the jury?—I think it might be a puzzling thing to the seneschal and the jury; I think it might possibly be the case, but I cannot say I ever found it so.

2845. With respect to appeals, can you state how many appeals were made against your decrees when you were seneschal?—Not many, I cannot state how many. I recollect one case being reversed, and only one, while I was seneschal.

2846. Were there many cases appealed against, in which the appeal was not brought to trial?—I often received notice of appeal, and the security never was entered into; they made it up afterwards.

2847. But when the security was entered into, have you known the appeal to be given up before coming to trial before the judge?—In those cases I knew very little of what became of appeals after security was given; I imagine they seldom came to trial before the judge.

2848. Have you ever felt yourself that there was any grievance arising from vexatious appeals, or have you heard others complain of the too great facility of appealing?—I have felt it might have been better if the person appealing had been bound to swear that he believed he had reasonable grounds for the appeal, and that the other party might demand that he should make his affidavit that he had reasonable grounds for appealing. I have often thought that would be but fair.

2849. Do you then think that appeals are sometimes made for the purpose of gaining time rather than for any other object?—I am convinced they are sometimes made for that purpose.

2850. The population in the neighbourhood of Dungannon, you say, is a manufacturing population?—Yes, there is a good deal of manufacturing carried on there.

2851. Are they generally in a comfortable condition?—Yes, they are.

2852. Have you ever heard it suggested that it would be desirable that the sum decreed should be lodged in the manor court previous to an appeal being taken out, with a sum sufficient to cover the double costs, instead of a bond with sureties?—No.

2853. Have you ever heard complaints made of the insufficiency of the bond in case of the party not prosecuting his appeal?—No.

2854. Do you not conceive that the distance of time which must intervene between the trial of the case and the trial of the appeal, is in itself, in many cases, an inconvenience?—It is, frequently.

2855. Is the assize town of Tyrone far from Dungannon?—It is a long way; that is to say, it is 22 miles from Dungannon to Omagh.

2856. Then parties whose appeals come to trial, have to travel that distance to attend the trial?—Yes, they have; but appeals are very rare in the Dungannon court.

2857. But a case might arise in which the trial of an appeal might be a matter of justice and of necessity?—Yes.

2858. Then the going judge of assize only attends in the county town of Omagh twice a year?—Yes, spring and summer.

2859. So that in a case tried in your court at the end of August, after the summer assizes are terminated, the appeal could not be tried until the March following?—No.

2860. Have you ever considered the question of leaving the appeal to be tried by the assistant barrister at quarter sessions, instead of to the judge of assize?—It has occurred to me to think of it occasionally, but I always felt one difficulty in it, which was, that my jurisdiction was higher than the assistant barrister's; but that

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is done away with now; by a late Act of Parliament he has an equal jurisdiction, and I do not see any objection to an appeal being transferred from the going judge of assize to the assistant barrister at quarter sessions.

2861. Would you not think it advisable, supposing that were done, to have a fixed time at quarter sessions at which those appeals should be taken, in order to suit the convenience of the parties who would have to attend for the trial of these appeals; or, if the time could not be conveniently fixed, that full notice should be given of the period, during the sitting of the quarter sessions court, at which those appeals would be taken?—Yes; but the only fear I could have with regard to that, would be, that it might possibly lead persons to appeal vexatiously.

2862. Then to guard against that vexatious appealing, do you not conceive some arrangement, such as lodging the amount in court, previous to taking out an appeal, or some similar arrangement, would be necessary to accompany the transfer of that?—I have always found the security given was sufficient to cover the amount decreed; that there was no difficulty in recovering the amount decreed when the decision was affirmed. I always found the security was sufficient to cover the amount of the decree, but I can fancy many cases in which a respectable poor man might be able to produce sureties for the amount in which he is decreed, who might be quite unable to lodge the money.

2863. Have you ever known the sureties of the party lodging an appeal obliged to lodge the sum decreed for the party, himself not being able to pay it?—I do not recollect an instance of it.

2864. The process coming down, signed by the judge, to the bailiff of the manor, have you any personal experience whether the sureties given on bond to prosecute an appeal are effective or not?—None. My impression is, there were not more than five or six appeals while I was seneschal, and only one decree was reversed.

2865. Mr. *Vesey.*] Can you state what was the feeling of the people generally, whether of the town or country, with regard to the manor court of Dungannon?—I believe the feeling of the people to be favourable to the continuance of the manor court; it is a great convenience to them.

2866. Can you state generally upon what grounds?—I take it generally to be founded on this ground, that the trial takes place without delay, that it is not an expensive mode, and that the place of trial is near to them.

2867. Do they not prefer to have their cases tried by a jury who are nearly of their own class of life, and accustomed to all their manners, habits and dealings?—I should say they did; but as to the class of life, it frequently occurs that the jurymen of the manor court of Dungannon are of a superior class of life to the persons who are suitors there.

2868. But still, are not the jurors of the manor court of Dungannon the respectable shopkeepers and the better class of farmers?—Yes, they are; they are 10*l.* freeholders almost all of them.

2869. And therefore that class of persons who deal with the people, and are acquainted with their customs?—Yes, well acquainted with the customs of the country. I think the people, therefore, would have naturally more confidence in them, and would prefer their cases to be tried by them than that they should be tried elsewhere by other jurors.

2870. Mr. *Villiers Stuart.*] Supposing there were no manor court at Dungannon, the parties belonging to that manor would have a very short distance to go to the barrister's court?—Of course as to that manor it would be so.

Martis, 6° die Junii, 1837.

MEMBERS PRESENT.

Mr. Bridgman.
Mr. F. French.
Mr. Hamilton.
Mr. Jephson.
Mr. Lucas.
Mr. M. J. O'Connell.
Mr. Villiers Stuart.

M. J. O'CONNELL, ESQ., IN THE CHAIR.

Frederick Cary, Esq., of Clonshanville, called in; and Examined.

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2871. Mr. *French.*] ARE you seneschal of any manor in Ireland?—I am.

2872. What is the name of the manor?—Frenchpark.

2873. In what county or counties is it situate?—In the counties of Roscommon, Mayo, Sligo and Galway.

2874. Have you any idea of the number of acres in the manor?—I believe it contains about 40,000 acres.

2875. Do you know the number of townlands in it?—Forty-seven.

2876. Where is your court held?—At a place called Rook Island.

2877. Can you state the population of the manor?—The last census of the parish was about 17,000, and the manor must be greater because it is of greater extent.

2878. Does the parish as well as the manor extend into the four counties you have mentioned?—No.

2879. Do you hold your court in more than one place?—I do.

2880. In how many places are you in the habit of holding your court?—Three.

2881. Is it for the purpose of conveniencing the tenants of the manor, that you are in the habit of changing the place of holding your court?—Yes.

2882. How often are you in the habit of holding your court?—Once in three weeks generally.

2883. At each place?—No, alternately.

2884. Is the estate of the lord of the manor and the manor itself co-extensive?—No, the manor is more extensive.

2885. What pecuniary jurisdiction have you?—£.20.

2886. Have you power to issue an attachment?—That I believe is doubtful.

2887. What powers have you as seneschal?—The jurisdiction by civil bill.

2888. Have you any other power?—Not in the recovery of debts.

2889. Is the court more than a manor court for the recovery of small debts; is it a court baron or a court leet?—A court baron, court leet and view of frank-pledge.

2890. How do you enforce your decrees?—By distress upon the goods of the persons who are decreed.

2891. Are you in the habit of entertaining cases where the plaintiff in the action resides beyond the limits of the manor?—Certainly.

2892. Are you in the habit of entertaining cases in which the defendant resides beyond the limits of the manor?—In some cases.

2893. Then the cause of action having originated in the manor, that you think is sufficient to give you jurisdiction?—Precisely so.

2894. How do the words of the patent run, which you consider gives you jurisdiction in such cases?—The words of the patent are: "That he the said John French, his heirs and assigns, and every of them, shall and may within the said manor have and hold, as often as he the said John French, his heirs and assigns shall think fit, a court in the nature of a court baron, to be holden before such seneschal and seneschals as from time to time shall be nominated

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and appointed by him the said John French, his heirs and assigns; and that the said seneschal and seneschals, and every of them, shall and may from time to time have, enjoy and execute full power and authority and jurisdiction to hold in the said court all actions of debt, covenant, trespass, trover and detinue, and all other causes and matters whatsoever, which in debt or damage exceed not the sum of 20 *l.* sterling, current money of Great Britain, happening, arising, done or perpetrated within the said manor, and to hear, determine and execute within the said court all such and the like actions, causes and matters whatsoever, as are accustomed or ought to be heard, determined or executed in any court baron within our said realm of Ireland."

2895. What is the date of the patent?—The 5th Anne, which was about 1712.

2896. How are the jurors chosen before whom the civil bill cases are decided in your court?—I give a list to the bailiff of the persons I wish to summon as jurors.

2897. What description of persons are you in the habit of summoning?—Farmers.

2898. Is it the class of farmers who are 10 *l.* freeholders?—Yes.

2899. How many names are you accustomed to put on the list of jurors?—From 18 to 24.

2900. How many jurors are there upon each jury?—Twelve.

2901. Then the jurors are not summoned at the discretion of the bailiff, but according to the list given by you to the bailiff?—Just so.

2902. Have any of the jurors you have summoned been objected to by the parties in the cause when the trial came on?—They have in some instances, but it more frequently happens that if a juror is a connexion of either of the parties, he stands aside or requires permission not to serve.

2903. He objects to serve on the ground that he may be supposed to be an interested person, being connected with one of the parties?—Just so.

2904. Are all the jurors you are in the habit of placing upon the list tenants of the manor?—All.

2905. How often in the year is the same juryman liable to be called upon, according to the regulations you observe for holding your court?—Once in four months.

2906. Once in four months your court would come round to each place?—In or about that time.

2907. Do you consider that the jurors discharge their duties impartially?—I do.

2908. Do you think their decrees give satisfaction to the people?—I do.

2909. During what hours is the court held?—Generally from 12 to 4, as the business may occupy it.

2910. Is that for the purpose of giving people time to come, and time to return?—Yes.

2911. Can you state the average number of cases in each year?—In 1834 the number of cases were 62; in 1835, 83; in 1836, 120; and up to March 1837, 69.

2912. Are all the processes issued generally brought to trial?—No.

2913. What proportion of the processes issued are brought to trial?—I think about one-fourth; the average is more than the number I stated for 1834; the business has been increasing considerably since that time.

2914. *Chairman.*] That is the number for the whole manor?—Yes.

2915. How long have you been seneschal of it?—Rather better than six years.

2916. Was there any increase in the year preceding 1834?—Yes, there was.

2917. Mr. *French.*] The seneschal before you, I believe, was very infirm for a number of years, and let some time elapse without holding the court?—Yes.

2918. Are you in the habit of charging the jury before they retire to consider their verdict?—No, I never found that necessary.

2919. Are the proceedings in your court always by civil bill?—Yes.

2920. Do you consider it necessary to sum up the evidence to the jury?—No; if there should be any doubt with regard to any particular matter a witness is

is called in; we always keep them within call, and if there should be any necessity of that kind, the witness is called in and re-examined.

2921. Do you consider that the jurors, hearing the evidence, are perfectly capable of deciding upon the question, without any assistance from you?—I do; and the reason is simply this, that the business is principally agricultural, matters arising out of agricultural transactions, and the jurors being all farmers, understand such things perfectly.

2922. Mr. *Villiers Stuart.*] Do questions of law, then, never arise?—No; there may be trifling matters, formalities which it is necessary to attend to, and that rests entirely with me; for instance, to see that the process is filled up properly, and served as it should be.

2923. To see whether the note upon which the action is brought is out of date?—Yes, the jurors are competent to judge for themselves in that matter.

2924. Mr. *French.*] Are the jurors generally acquainted with the characters of the plaintiff and defendant, and with the witnesses brought before them?—Yes, I think they very often are.

2925. Being resident in the district?—Yes.

2926. Do you find any difficulty in getting the jurors to attend?—No; the principal difficulty I find is in their not attending punctually at the hour appointed; they seldom come till an hour after the hour appointed.

2927. Are jurors in the habit of complaining of a hardship in being obliged to attend?—No, I never heard them complain.

2928. Are the bounds of the manor well defined?—Distinctly.

2929. You never have any disputes upon the subject of bounds?—Never; it sometimes happens that a person will come and ask me whether such a place is within the manor, and I answer the question yes or no, as it may be.

2930. Are you in the habit of bringing jurors from a distant part of the manor?—No, I always bring them from the neighbourhood where the court is; I think it unfair to bring them a distance of 12 or 14 miles.

2931. Is there any civil bill court held in the manor at all?—No, except the Frenchpark court baron.

2932. How far is the civil bill court from the nearest place in the manor?—The nearest may be four miles, or somewhere about that.

2933. *Chairman.*] Does the manor which you have stated to be in the four counties of Roscommon, Mayo, Sligo and Galway, lie contiguous throughout, or in detached portions?—In detached portions.

2934. Then it would be rather difficult to ascertain the furthest place of holding the civil bill court?—It would.

2935. Mr. *Villiers Stuart.*] Do you know how it happens that the different portions of the manor are not contiguous?—I cannot say.

2936. Mr. *French.*] What are the costs of proceeding in your court?—Five shillings and sixpence.

2937. Does that include the decree and all?—Yes.

2938. Is there anything allowed to the bailiff of your court?—Yes; 6 *d.* in the first 1 *l.* and 3 *d.* in every other.

2939. That is upon the execution of the decree?—Yes.

2940. Is there any fee allowed upon anything but the execution?—Yes; 6 *d.* entry fee, for summoning the jury.

2941. Is that 6 *d.* included in the 5 *s.* 6 *d.* that you state to be the cost of proceeding in your court?—It is.

2942. Are parties put to any expense further than the actual costs?—None whatever.

2943. They are, generally speaking, put to no expense in going to the court?—None.

2944. Are they in the habit of treating the jurymen with whisky, as we have heard in some of the manors?—No, they are not, that I know of.

2945. In what description of houses are the courts generally held?—In two places they are held in farmers' houses, and in another it is now held in a public-house, but at the time I first went there the man was not under a licence to sell spirits, or anything of that kind.

2946. He has since obtained a licence?—Yes,

2947. And you are still in the habit of holding your court in that house?—Yes.

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2948. Is there any whisky drank by the jurors during the sitting of the court, that you have ever seen?—Never.

2949. Would you allow whisky to be introduced into the court?—Certainly not.

2950. How are the goods seized under a decree of your court disposed of?—The bailiff takes them into his custody, and if they are stock, which is generally the case, a cow or something of that kind, they are driven to the pound, and are kept for four days, which is the time the law prescribes, and if the debt is not discharged before the expiration of that period, it is sold.

2951. Mr. *Villiers Stuart.*] Did you ever find a case where the party who owed the money for which the cow or other property was sold had only a joint property in it?—No, I do not think I have; I should think that would be a very rare thing; I never heard an instance of it.

2952. Mr. *French.*] Is there any place connected with the manor in which to keep goods seized under a warrant of distress?—The public pound.

2953. That is for cattle; is there any place for furniture or goods of that kind?—No.

2954. Is the bailiff answerable for the safe custody of the goods he seizes?—He is.

2955. Are you obliged to give security?—I am; I have done so.

2956. Have you any particular day for holding your courts?—Generally the first Wednesday in the month.

2957. Do you feel yourself bound to hold it on the first Wednesday of the month, if any circumstance should intervene?—No; I think I have the power of adjourning.

2958. Are the jurors in the habit of sitting apart from the people while the trial is going on?—Yes.

2959. You have them sitting together in a different part of the room?—Yes, in the inner part of the room, while the public are standing about the door.

2960. Are the public excluded from the court while the jury are deliberating?—If it is a case which requires any time for deliberation, we clear the court, but generally speaking, they do not require it; in general, they are simple cases.

2961. When you are in the habit of clearing the court, do you remain yourself, or do you go out?—I invariably remain in the room; I never leave it.

2962. Do the jury deliberate or agree upon their verdict after each case?—They do.

2963. Is the issue signed in each case?—Yes.

2964. Then they always consider and decide upon one case before they go into another?—Yes; perhaps once in a hundred times it may occur that they do not do so. In any case which requires any particular consideration, they may let it stand over, or they may call in a witness again and re-hear it.

2965. *Chairman.*] And even in the simpler cases, do they postpone deciding their verdict until they have disposed of a number of cases together?—Yes; the foreman never signs the book until the whole business is over, but he sees the verdict in each case entered by the bailiff of the court.

2966. The bailiff acts as registrar also?—Yes.

2967. Mr. *Lucas.*] I understand you to say that the verdict is fully determined upon, given and entered at the close of each case, but the formal act of affixing the signature is not done until the whole business is over?—Precisely so.

2968. Mr. *French.*] Are you aware what the verdict is before the next case is gone into?—Yes, except in some few cases.

2969. Do you send every case to the jury?—Yes, every case that is properly brought forward; when the cause of action is properly set forth in the process, and so on: if there should be any informality, I strike it out.

2970. You never take upon yourself to decide any case?—No.

2971. In fact you have no power to decide except by the verdict of the jury?—No; I never interfere with their decisions.

2972. What appeal is there from your court?—To the going judge of assize.

2973. How many appeals have there been from the decrees of your court within the last six years?—Five.

2974. Do you mean there have been only five appeals within the last six years?—Yes.

2975. Have

2975. Have your decrees been affirmed or reversed?—There were one or two reversed.

2976. *Chairman.*] When you speak of five appeals in six years, do you mean that only five were entered, or only five went to trial?—Only five were entered.

2977. Were all the five that were entered proceeded with before the judge of assize?—I cannot say that.

2978. Then, in fact, you do not know the fate of those five appeals?—No.

2979. You state that some of them were reversed?—Yes, and some were settled by arbitration.

2980. They did not go to trial?—No.

2981. Do you know how many of the five went to trial?—Either one or two.

2982. Was the decision of your court reversed in those one or two instances?—Yes, it was.

2983. Then you do not know whether any of these five went to trial in which the decree of your court was confirmed?—No.

2984. Do you know the grounds upon which those one or two decrees were reversed?—I was not at the assizes, but a gentleman who was there told me that in one case the reason of it was that the respondent, who was a poor and ignorant woman, had left her principal witness at home, and the judge was obliged to reverse.

2985. Do you think the law defective on the subject of appeals?—I have no reason to think so, from the few appeals that have been tendered or lodged with me during the six years I have been seneschal.

2986. People are not in the habit of entering appeals in your court for the purpose of gaining time, or for the purpose of putting poor suitors to unnecessary expense?—No, and probably I could assign a reason for that; on their entering into recognizances I invariably make the party lodge double costs with me, that is 11 *s.*, which I tell them is to be given to the opposite party if they should abuse the power of appealing.

2987. And in case of the non-prosecution of an appeal, what do you do with the 11 *s.*?—The case is generally settled by arbitration, and the person who decides gives a certificate, stating how he has decided upon it, and how the 11 *s.* is to be disposed of.

2988. Under what authority do you conceive yourself entitled to demand that deposit of 11 *s.*?—I understand it was done by my predecessor.

2989. Did you ever consult the Act of Parliament to know whether you had a right to do so?—I am inclined to think it is doubtful whether there is any right to do so, but I know it is done.

2990. Mr. *Villiers Stuart.*] Did any party ever refuse to comply with that?—Never.

2991. In the event of their refusing, should you not consider yourself obliged to allow the appeal?—Yes, I dare say I might. It is to prevent any hardship to the persons obtaining the decree that I do it, and I think it has that effect.

2992. How far distant is the assize town, to which parties who appeal would have recourse, from where you hold your court?—I dare say it may be from 15 to 16 miles; that is the nearest part.

2993. *Chairman.*] Between the part of the manor which is in the county of Galway is the assize town more distant?—I have not done any business in the county of Galway, it is so remote from me.

2994. Is the part of the manor in the county of Galway extensive?—Not very extensive.

2995. But justice and the recovery of debts must be as important to those who live in Galway as to those who live in the county of Roscommon; has not that occurred to you?—I dare say it might.

2996. Have the people of Galway never complained of your not holding your court there?—No, they have never spoken to me upon the subject.

2997. Then you think they are indifferent to those benefits?—The fact is, that in the county of Galway the principal part of the land is held by independent people: there are not many tenants upon it; very few; they hold it in large tracts there; that is the general way in which the property is held.

2998. And there are few small debt transactions among them?—I should think so.

2999. Have they no under-tenants?—I cannot say.

3000. Have

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3000. Have you ever been in the part of the manor in the county of Galway?—I have never been in that part of the manor.

3001. Do you often hold your court in Sligo?—Yes.

3002. Do you hold your court at a place in the county of Sligo for that part of the manor?—I do in a place in the county of Sligo, which is a part of the manor.

3003. Do you ever hold your court in the county of Mayo?—No.

3004. Or in the neighbouring part of the county of Roscommon?—It is in the neighbouring part of the county of Roscommon.

3005. Then you have two places for holding your court, one in Roscommon, and one in Sligo?—Precisely so.

3006. From the place where you hold your court in Sligo, or from the part of the manor which is in Sligo, how far is it to the nearest court of appeal?—It is about 27 or 28 miles.

3007. How are the processes served in your manor?—By the bailiff of the court four days previous to the day of trial.

3008. Is there any fee paid to him for the service of that process?—Yes.

3009. What is the fee?—The fee is 6*d.*

3010. That 6*d.*, then, is to be added to the 5*s.* 6*d.* allowed by the statute?—Yes, it is not included in the 5*s.* 6*d.*

3011. That is payable by the plaintiff, but it is not recoverable from the defendant in case of a decree?—Just so.

3012. Then am I to understand that no person is allowed to serve his own process?—No, except in particular cases; if the bailiff is from home serving the processes on the last day, and it may be a case of hardship, I would permit a party in that case to get a proper person to serve his process.

3013. Then the bailiff has his fees upon that process, in addition to the fees allowed by the statute for serving the summons upon the jurors?—He has.

3014. Is the fee to the bailiff summoning the jury included in the 5*s.* 6*d.* allowed by the statute?—Yes.

3015. Do you make out a list of the jurors for each particular day?—Yes, I do; I send to the bailiff, and give him a list for each day.

3016. You stated that one of the places where your court was held, since you began to hold your court there, had been used as a public-house; how long has it been so used?—Perhaps for two or three years; I cannot exactly say now.

3017. Have you found any difference as to the regularity and order of your court since it has been so used?—I cannot perceive any difference, not the slightest.

3018. How are the jury separated from the rest of the court?—They are put in the inner part of the room, a table is put across, and the public are admitted on the other side.

3019. Do you sit at the table with the jury?—I sit at one end of the table; they sit along on one side, and the public are admitted on the other.

3020. What is the longest period for which you have known a jury deliberate?—I do not think I ever knew them deliberate longer than half an hour, or three-quarters of an hour.

3021. During that time have you always remained in the room yourself?—Yes.

3022. Have you ever taken a part in their deliberations?—No, I cannot say I have, unless, if anything particular was mentioned, I might offer a suggestion, but nothing more; and I always accompanied that suggestion by telling them that they were to take their own view of the case, and not to be guided by me in any way.

3023. Do you sit close to them in their deliberations, or at the other end of the room?—I keep my seat; I do not rise from where I sit.

3024. Quite close to the jury?—Yes.

3025. You say, if anything particular should arise in their deliberations you offer them a suggestion?—Yes.

3026. Do you generally wait till they ask you for that suggestion, or if anything should arise, do you offer it yourself?—I offer it myself; but it does not very often happen that they require anything of the kind.

3027. Mr. *Villiers Stuart.*] Is that while they are in deliberation?—Yes.

3028. *Chairman.*] Has the fact of your being present during their deliberations ever been made the ground of appeal?—No, not in any instance.

3029. Do

3029. Do you preserve strict order and regularity in your court during your proceedings?—Yes.

3030. As much as can be done with a crowd in a small place?—Just so.

3031. Have you ever had occasion to commit a person for contempt of court in disturbing the proceedings?—No.

3032. Is regularity so well observed that the witnesses are not generally interrupted, and that the business is allowed to go on in a quiet manner?—Generally speaking, it is; but there will be some interruptions, of course.

3033. Do parties ever interrupt the witnesses while the proceedings are going on?—They may, but they are instantly called to order, and prevented.

3034. You have stated you have never known parties treat the jurors with drink during the proceedings?—Never.

3035. Are you aware whether they ever do so after the court has broken up?—No.

3036. You cannot say they do not treat them after the court has broken up?—No, I cannot.

3037. Have you ever known a juror come into court appearing intoxicated, or in any way affected by drink?—Never.

3038. If you found a person in that state should you allow him to serve upon the jury?—Certainly not.

3039. Where there is not a sufficient attendance of jurors at the sitting of your court, do you take other persons from the by-standers?—Yes, I can readily select persons that are present.

3040. Are you always careful that those persons shall be residents within the manor?—Always.

3041. Do you always select those persons yourself as the persons who are summoned upon the jury?—I do.

3042. Have you ever had occasion to fine persons summoned as jurors for non-attendance?—I have in two instances, but I returned the penalty.

3043. Did they pay willingly?—They did.

3044. To what amount did you fine them?—I think it was 6*s*. 8*d*.

3045. Why did you return the penalty?—It was more as an example than anything else, to show my power.

3046. It did not arise from any doubt of your right to fine them?—No; because they are bound by a clause in their lease, under a penalty of 6*s*. 8*d*., to attend and do service at the court.

3047. Do you mean leases held of the lord of the manor?—Yes.

3048. I think you stated that part of the manor was not the property of the lord?—Yes.

3049. Should you in that case consider yourself entitled to fine?—No, I should not.

3050. Then it is only by the clause in the lease under the lord of the manor that you consider yourself entitled to fine jurors for non-attendance?—I should think so; though it is thought that the law also inflicts a penalty for non-attendance.

3051. *Chairman.*] In answer to a previous question, you have stated that you allowed suits to be brought by plaintiffs who did not reside within the manor, and you quoted your authority for it; have you ever allowed suits to be brought against defendants who did not reside within the manor?—No, I do not think a case of that kind ever occurred; but at the same time, if the cause of action arose within the manor, I think I should have jurisdiction.

3052. Against a defendant not residing within the manor?—Yes.

3053. But do you think you would be able efficiently to enforce that jurisdiction?—I do, provided his property could be taken within the manor, and that the summons was served within the manor.

3054. Are those persons you summon as jurors persons who are generally able to read and write?—They are.

3055. Does the foreman always sign the verdict?—Always.

3056. What is the greatest distance in general which persons bringing actions in your court have to travel to attend the court?—Why, I should suppose probably not more than five or six miles. Though the distances between each place where I hold my court may be from eight to nine miles, yet a person having an action to bring into the court, if it were to be held at the most distant part, would wait till the next court day, when he might have a more convenient place. It seldom happens that they came from the more remote parts.

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3057. Mr. *Villiers Stuart.*] Is there no considerable town within your district?—No, there is not.

3058. And the parties are chiefly agricultural that come before you?—Principally, with very few exceptions.

3059. *Chairman.*] And the cases which arise in your court, are they not chiefly transactions between farmers and their labourers, or between small farmers themselves?—Yes.

3060. Have you any actions brought in your court for what are called time-bargains, for provisions; potatoes and other goods sold upon credit, to be paid for in time?—Very frequently.

3061. Do you place any restrictions in such actions with regard to the rate of profit over the value of the goods at the time they were sold?—Yes; the jury never allow anything more than a trifling interest, what they think fair.

3062. Are you aware that such contracts are very common among the people, between the small farmers in Ireland and the labourers?—Yes; for instance, a man may sell oatmeal at the rate of a guinea or a pound a barrel, and get a note or I O U for it, and if that sort of case is brought before the jury, they will allow the market price at the time it was sold, and probably 1*s.* or 1*s.* 6*d.* interest, according to the time that elapsed afterwards; that is invariably the rule.

3063. Mr. *Villiers Stuart.*] Do you find that rule checks such dealings in the district?—I think it must be a check.

3064. Mr. *Lucas.*] Supposing the market price of oatmeal is 15*s.* per cwt. at the time the bargain is made, and when it is delivered upon credit, what would be the rate of interest usually charged in your district for that quantity of oatmeal, to be paid for in three or four months?—Probably, if the market price is 12*s.* per cwt., it might be charged 17*s.* or 18*s.*

3065. For what period is credit usually given?—Six months generally.

3066. And that would make a difference in the price of between 12*s.* and 17*s.* or 18*s.*?—Yes.

3067. Mr. *Villiers Stuart.*] Do the jury allow that?—Certainly not; that is what the seller would require of the buyer.

3068. Mr. *Lucas.*] What do you think the jury would probably cut it down to, the market price having been 12*s.* originally?—Probably the jury would give 13*s.* or 13*s.* 6*d.*, or somewhere about that.

3069. *Chairman.*] Have you ever found a complaint made by the poorer class of suitors, the class somewhat below those who are generally upon the jury, or have you ever found an impression upon their minds that the jury leant rather in favour of their own order against the class below?—I never heard it.

3070. You are acquainted with most of the persons who are suitors in the court?—No, I cannot say I am acquainted with them.

3071. They know you?—Yes, but I may not know one out of 20.

3072. You live on the spot?—Yes.

3073. Do you think you would have heard of it if such an impression had prevailed?—Certainly.

3074. The dealers in those time-bargains are generally the class of farmers in the rural districts?—Yes.

3075. Mr. *Lucas.*] Those time-bargains appear, in fact, to be another mode of lending money at usurious interest, it being contrary to law to lend money in Ireland at above 6*l.* per cent.?—I dare say it may be considered so.

3076. Are the jury in these cases the same class of persons as the persons who make those time-bargains, or are they of a lower rank?—I dare say they are much about the same class, yet there are a good many upon the jury who would not lend themselves to anything of the kind.

3077. *Chairman.*] What is the general amount to which actions are brought in your court?—From very small sums; I will say from 10*s.* to 8*l.* or 9*l.*

3078. Have you ever known the full amount of your jurisdiction to be sued for?—No.

3079. You stated that you never found it necessary to charge the juries; has no case to the amount you have mentioned, of 8*l.* or 9*l.*, ever presented difficulties, either from its length or the complication of its evidence, or from any point of law arising?—No, I do not recollect that it has.

3080. Has the custom which you have followed, in examining witnesses when the

the jury are deliberating, obviated in your opinion the necessity of charging them?—No, I do not know that it has had any effect one way or another.

3081. Do you ever find it necessary to stop witnesses who are going into a line of evidence which is irregular or illegal?—No, indeed.

3082. Do attornies ever practise in your court?—Seldom.

3083. When they do practise, is it generally in a case of particular importance, either from its amount or the points involved?—No, it is not; I never knew more than two or three cases in which attornies appeared.

3084. Do any persons, not regular attornies, practise as agents?—Never.

3085. You would not allow such a thing?—No.

3086. You would consider it lowered the respectability of your court if such a thing was done?—Certainly.

3087. Then, do you let the parties tell their stories to the jury in any way they like?—Yes.

3088. Do you allow them to recapitulate every circumstance they think fit to mention as bearing upon the case?—We prefer that they should confine themselves to legal evidence, but it is very difficult to get the lower order of Irish to do so.

3089. But supposing they go out of the regular line of evidence, and state things, for instance, matters of hearsay and things of that kind, which are irregular, will you allow that to weigh on the minds of the jury, or do you tell the jury that is not legal evidence, and they are not to attend to it?—Certainly; they would not listen to it themselves; the jury are intelligent enough to know what is evidence, and what is not.

3090. Mr. *Villiers Stuart.*] How do you know that they dismiss it from their minds, unless you give them some advice, because they may give their verdict, still retaining the impression of what they had heard?—I hear them conversing upon the testimony, and if anything of the kind is mentioned, one or the other, and perhaps myself, would say, "that is only upon hearsay;" and if there is any doubt, we call in the witness to know whether it was evidence or mere hearsay.

3091. Do you mean after the jury have retired to deliberate, you go back to hear further evidence?—Yes.

3092. Is not that an irregular proceeding?—I think not.

3093. *Chairman.*] Had it been the custom always, to your knowledge, before you were seneschal?—I cannot say it was the custom before I was seneschal; I never knew the seneschal's practice.

3094. Your predecessor was in infirm health for some time before his death?—Yes.

3095. For how many years did he retain the office of seneschal after he was in that infirm state of health?—I cannot say, for I was resident in that neighbourhood only three years before I was appointed.

3096. During those three years was he in infirm health?—Yes.

3097. Was the court held at all during those three years?—No.

3098. Before you were appointed to the office had you any experience in the holding of manor courts?—No, I had not any practical experience.

3099. Did the custom you have alluded to, of the seneschal remaining with the jury while they were deliberating, prevail from your appointment; did you adopt that of your own motion, or from finding it had prevailed previously?—I adopted it myself.

3100. With respect to the demand of double costs to be lodged previously to taking out an appeal, did you adopt that from your own impression of the law of the case, or from finding it had been the practice?—I understood that had been the practice invariably.

3101. By the previous seneschal?—Yes.

3102. Did you inquire whether the statute or charter of your court authorized you to make that demand?—I found the charter did not.

3103. Did you examine the statute upon the subject?—No, I did not.

3104. You contented yourself with finding that had been the course?—Yes.

3105. Do the suitors complain of the amount of costs?—No, I never heard them.

3106. They do not conceive they are too high?—The costs I believe are more moderate than in any other court in that neighbourhood.

3107. Are you in the habit of attending the barrister's civil bill court at quarter sessions?—No, I am not in the habit of attending it; but I know the costs are higher than in my court.

3108. How much higher?—I think about 1*s.*; I think the cost of the barrister's decree is about 6*s.* 8*d.*

3109. The costs in the assistant barrister's court, to the best of your belief, are only about 1 *s.* more than in yours?—I believe about that.

3110. Then, if you speak of the costs to which the party is put in your court, there is 6*d.* additional for the service of the process?—There is the same in the barrister's court, and that is not included in the 6*s.* 8*d.* either.

3111. But in the assistant barrister's court the sum of 6 *s.* 8 *d.* includes a fee to a professional person?—Yes, I believe it does.

3112. In your court the costs include no such fee?—No.

3113. In the assistant barrister's court, though there is a fee of 2 *s.* 6 *d.* or 3 *s.* allowed for a professional person, the whole costs are only 1 *s.*, or thereabout, more than in your court?—Yes, I believe that is the case.

3114. Then the other officers of the assistant barrister's court get to the extent of the difference less fees among them than the officers of your court?—Yes.

3115. Can you see any reason why there should be such a difference in that part of the costs between your court and the assistant barrister's court?—No, I cannot see any reason, except that it is the law.

3116. Then which should you be inclined to recommend; that the costs of the assistant barrister's court should be reduced to the amount of yours, or that the costs in your court should be diminished to the amount of their costs?—I think, upon the whole, the costs of the manor court must be considerably cheaper to the parties than the barrister's court, because if they have to go six or eight or ten, or a greater number of miles, they must incur a heavy expense in bringing witnesses.

3117. Then you think parties cannot complain if they are put to something more nominal costs in coming to your court, because they are saved the incidental expenses of travelling and bringing their witnesses?—Yes, and I have frequently heard them say so, that it is a much cheaper court, in consequence of saving the expense of travelling and bringing witnesses, and stopping out perhaps all night.

3118. Mr. *Villiers Stuart.*] I think you stated that the inhabitants of part of your manor, in the county of Galway, never apply to your court for redress?—No.

3119. To what court do they apply?—I cannot answer that question; I have already stated that I never was in that part of the manor.

3120. Mr. *Lucas.*] Do you know yourself how many cases come on for hearing in the assistant barrister's court in a day; can you form a guess?—I cannot say.

3121. Are they more or less numerous than those which come on in a day in your court?—It would be difficult for me to say that.

3122. Upon the whole, are the profits of the quarter sessions court officers higher or lower than in your court?—I cannot say.

3123. You have been asked as to the comparative amount of fees in the barristers' court and in your court, and you have stated that the fees in your court amount to within 1 *s.* of the fees upon any suit in the assistant barrister's court?—Yes.

3124. You were asked then, whether or not it is fit that the officers of your court should be higher paid, or as high paid, as those in the assistant barrister's court, and you have given answers to these questions; now, I want to ascertain from your evidence, whether upon the whole the costs in your court, or the costs in the assistant barrister's court, give a larger or smaller profit to the officers of each court?—The principal part of the costs in my court come to me; the other officer receives but 1 *s.* out of the full costs.

3125. And which is better remunerated, you or the assistant barrister?—I think the barrister must be, considerably.

3126. Which is generally better remunerated in Ireland, the seneschal of a manor court or an assistant barrister?—The assistant barrister.

3127. Is it at all difficult to find gentlemen to fill the situation of assistant barrister?—I should think not.

3128. Is it not sometimes difficult to get a respectable person to fill the office of seneschal?—I should think not.

3129. Do you think there is an equal supply for the one situation and the other?—I think so.

3130. There is no difficulty in finding gentlemen of sufficient qualifications for each situation?—I think not.

3131. What are the subordinate officers in your court?—The bailiff and marshal.

3132. Is the bailiff and marshal in your court as well remunerated, upon the whole, or better than the corresponding officer in the assistant barrister's court?—I believe rather better in my court, upon the whole; I am talking merely of the bailiff; there is no other officer attached to my court.

3133. The bailiff and marshal are one and the same officer?—Yes.

3134. Have you any other office or emolument besides that of seneschal of this court?—Yes.

3135. What is that?—I am accountant and cashier in the Boyle branch of the Agricultural Bank.

3136. You have not held that office long, of course?—No.

3137. Before the bank was established had you any other situation?—Yes; I kept the accounts at Frenchpark.

3138. For the receiver of the rents of the Frenchpark estate?—Yes.

3139. What should you state, upon the average, to be the yearly emoluments of your office of seneschal of the manor of Frenchpark?—It has been increasing for the last three or four years. In 1834 the return I made of the emoluments was 24 *l.* 19*s.* 6 *d.*; in 1835 they were 31 *l.* 13 *s.*; in 1836 they were 47 *l.* 2 *s.*; and for the three months from January to March, in the present year, they were 26 *l.* 9 *s.*

3140. Do you think an average sum of from 45 *l.* to 50 *l.* is sufficient in general to induce persons to undertake the office of seneschal in a large and extensive district, in which they have a good deal of travelling to perform their duties?—No; in itself, I do not think it would be an inducement; but there are many highly respectable people it would suit, notwithstanding.

3141. Having other avocations agreeing with it?—Yes.

3142. For instance, agent to a landed proprietor, or agent to the whole estate of the lord of the manor, or persons who are employed by them as you describe yourself to have been employed?—Yes.

3143. Did the situation which you held, connected with the agency and receiving of the rents of the Frenchpark estate, give you advantages as to the facility of holding this court, without interfering with your other business, more than any person not connected with the estate would have had?—I dare say it might.

3144. It never has occurred to you that it did?—No.

3145. But supposing a gentleman who occupied a farm of his own, and devoted most of his time to agricultural pursuits, would it be convenient to him, do you think, generally, to attend to the business of such a court?—Indeed, I should think it might.

3146. Even though the places for holding the court might be at a distance of 10 or 12 or 14 miles from home?—Yes, I think he might make it convenient to attend.

3147. Do you think it would be worth his while to do so for a remuneration of 30 *l.* or 40 *l.* a year?—I think it would.

3148. How often do you hold manor courts?—I think 13 times a year.

3149. Mr. *Villiers Stuart.*] Do you know what the sum was that was recovered in the last year in your court?—I am unable to state from recollection.

3150. *Chairman.*] Are there any points in which you think the law with regard to these courts might be improved?—No, indeed; I cannot say I see any.

3151. You do not find anything with regard to appeals in which you think the law requires to be improved?—No; from the very few appeals that have been lodged, I cannot say I see any.

3152. Nor with regard to compelling the attendance of jurors?—Yes, I think there is a little deficiency.

3153. Do you think any regulations with regard to keeping order in the court might be added to the power of the seneschal?—Yes; but for my own part, I

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have not experienced any difficulty in that respect. Two or three bailiffs I generally find sufficient to keep order.

3154. Do you think it would be more convenient to have distinct court-houses appointed for holding the courts?—Yes, I think it would be very desirable.

3155. With regard to the number of jurors, do you find the number of 12 to be unnecessarily large, and do you think it might be diminished to any less number?—I think six would do fully as well.

3156. Mr. *Villiers Stuart.*] Do you think it desirable that a person without a legal education should have a jurisdiction to so high an amount as 20 *l.*?—As to the amount of the jurisdiction, in my case it has not mattered much, for I have never been called upon to exercise it to the full.

3157. What is the highest sum for which you have been called upon to exercise it?—I think 9 *l.* or 10 *l.*

3158. Have you often cases to that amount?—No.

3159. How often in the course of the five or six years do you think you have had such cases?—Not more than three or four times.

Henry Hume, Esq., called in; and further Examined.

Henry Hume, Esq.

3160. ARE the fees upon civil bills in the manor courts greater or less than those paid at the quarter sessions?—They are less in the manor court.

3161. What is the amount of the fees now payable in the civil bill court?—I have brought some civil bill court decrees and some manor court decrees for that purpose; and it appears that in the recovery of a debt under 2 *l.* in the civil bill court the costs are 5 *s.* 6 *d.* and 2 *s.* 6 *d.* to the bailiff, and 3 *d.* in the pound on the sum levied; that would amount altogether to about 8 *s.* 4 *d.*; that decree was for a sum of 1 *l.* in the civil bill court. I have here a decree of the manor court for 1 *l.* 19 *s.* 9 *d.*, and the costs are 5 *s.* 6 *d.*, and to the bailiff for executing, 9 *d.*, which makes only 6 *s.* 3 *d.*

3162. But if it should so happen that the appointment of a decree bailiff under the Act of last year should be done away with this year, the costs in the civil bill court would be diminished from 8 *s.* 4 *d.* to 6 *s.*?—They would be diminished by 2 *s.* 10 *d.*, but that would leave the plaintiff to seek a remedy for the execution of his decree.

3163. But in a case in which there is no decree, in which there is a "dismiss without prejudice," in that case what would the costs be in your manor court?—Then it is optional with me, as I stated in my former evidence, to give or withhold costs, under the 7th & 8th Geo. 4.

3164. Can the assistant barrister do so?—Yes, the barrister certainly can decree or dismiss, with or without costs.

3165. Suppose the case of a dismiss upon the merits, what would be the costs in that case in the respective courts?—I conceive the Act which gives the seneschal or the jury the power of giving or withholding the costs, leaves them a discretionary power as to the circumstances in which they would either give them or withhold them.

3166. Supposing the full costs of a dismiss to be given in both courts, what would then be the difference?—The full costs of a dismiss under the manor court bill, the 25 Geo. 3, cannot exceed 5 *s.* 6 *d.*; I do not exactly know what the costs of a dismiss are in the civil bill court. The costs of a renewal upon a manor court decree are only 6 *d.*, in addition to the 5 *s.* 6 *d.*, making the whole costs upon a renewal 6 *s.*; and the costs of a renewal in the quarter sessions court are 2 *s.* 4 *d.*, making the whole costs upon a renewal for a sum not exceeding 20 *s.*, 10 *s.* 8½ *d.*

3167. Are the costs of a renewal limited by the statute?—They are, by the 25 Geo. 3.

3168. Is there any limit as to the time when a renewal may be demanded in the manor court by the 25 Geo. 3?—By the former Act it was limited; a decree could only be enforced from one court day to another; but either by the 7th or the 7th & 8th Geo. 3, the seneschal is given the power of renewing a decree at any reasonable period, and making his decree in force from one court day to any subsequent court day.

3169. Have you any suggestions to offer on the subject of giving seneschals the power of preserving order in their courts, and punishing contempt?—Yes. At common law no court has the power of punishing contempt, unless it be a court

court of record, and as a doubt exists whether these manor courts are courts of record, I think an enactment to that effect, as in the civil bill courts, constituting them courts of record, would give the seneschals sufficient power to preserve order.

3170. Do you think it would be advisable that there should be any provision for the attendance of a sufficient number of bailiffs, to keep order in the court, independent of those bailiffs whose office it is to summon juries?—I do not know whether it would be advisable to require the police to attend there as they do at the magistrates' court.

3171. The manor courts, as they at present exist, are a heritable jurisdiction in the feudal control of a private individual, are they not?—Yes.

3172. Then do you not conceive that the individuals who have the privileges connected with those courts ought to have the duty of appointing officers to aid in administering justice in them?—I think the present bailiffs are quite sufficient, if the seneschals had the power to commit a party for contempt, if only for a few hours, during the sitting of the court.

3173. Do you not think it would be an anomaly, supposing the police to be employed, in allowing the servants of the Government or the public to take upon themselves the onerous duties of preserving order in a court in which the Government or the public have no control over the lucrative appointments of the court?—Yes, and I think they might be done without.

3174. Can you suggest any remedy for the inconveniences which at present exist with regard to the insufficiency of the law for enforcing the attendance of jurors?—Yes. I think the present mode of amerciament is a very roundabout and troublesome way of enforcing the attendance of jurors; if it is necessary to enforce any attendance, I think an extension of the provisions of the 22 Geo. 2, c. 14, which is an English Act, to Ireland, or perhaps by making an enactment to that effect applicable to Ireland, giving seneschals the power of enforcing a penalty upon jurors for non-attendance to an amount not exceeding 10 *s.* or 20 *s.*, would be sufficient. That Act, the 22 Geo. 2, in England, gives a power of imposing a fine not exceeding 40 *s.*, or less than 20 *s.* It would be a hardship in Ireland to impose a fine of not less than 20 *s.*; I should say a sum not exceeding 10 *s.* or 20 *s.* would be sufficient, and would very seldom have occasion to be exercised.

3175. To whom does that Act of the 22 Geo. 2, give the power of fining?—This Act was directed to the commissioners, and gives them the power. It is entitled "An Act for the Recovery of Small Debts in Towns Corporate, Liberties and Franchises in Ireland."

3176. With regard to appointments to the office of seneschal, have you any remedies to propose for improving the class generally, and to prevent improper persons being appointed?—Yes. I find that the 26 Geo. 3, c. 28, s. 8, which is also an English Act, requires that seneschals in England, or commissioners as they are also called here, should be possessed of a property qualification; the words are, "that no person shall be capable of acting as a seneschal in the execution of any Act constituting manor courts, unless such person shall be a householder within the district, city, liberty or place in which he shall act, and shall be possessed of a real estate of the annual value of 20 *l.*, or of a personal estate of the value of 500 *l.*; and if any person not being so qualified shall presume to act as seneschal, in the execution of any Acts constituting manor courts, every person so acting shall forfeit and pay the sum of 10 *l.*," &c.

3177. Do you propose to extend that provision to Ireland?—Yes; I think some provision of that kind would be very desirable to prevent the appointment of an improper class of persons to the office of seneschals.

3178. Do you conceive that being possessed of a real estate of the annual value of 20 *l.*, or of a personal estate of the value of 500 *l.*, would be sufficient to qualify a person who has to decide upon cases at least to the amount of 40 *s.*, sometimes 20 *l.*, and sometimes more?—I would make it more than that, but I think some provision of that kind is desirable. I should say perhaps double that, 40 *l.* a year real estate, or 1,000 *l.* personal estate.

3179. Do you think that in all cases a property qualification would secure the respectability of the parties?—I think it would in most cases; for in the two or three instances which have come to my knowledge of improper persons being appointed, (those were cases of persons holding public-houses themselves,) they were certainly not possessed of any qualification of that description.

3180. Have you any other suggestions to offer?—No.

Mercurii, 7° die Junii, 1837.

MEMBERS PRESENT.

Mr. Bridgman.	Mr. Villiers Stuart.
Mr. Lucas.	Mr. Vesey.
Mr. M. J. O'Connell.	

MORGAN JOHN O'CONNELL, ESQ., IN THE CHAIR.

The Rev. *Joseph Seymour*, called in; and Examined.

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3181. *Chairman.*] WHERE do you reside?—At Saxony, in the county of Mayo.

3182. Are you seneschal of any manor court?—The manor court of Castlemore.

3183. Do you hold any preferment in the church?—I do.

3184. What is the nature of it?—The vicarage of the union of Kilmovee.

3185. Is the manor of Castlemore a very extensive one?—Very.

3186. How large is it?—It consists of the barony of Costello.

3187. How many inhabitants does that barony contain, to the best of your recollection?—Judging from the parishes I have in the union, I suppose there are about 40,000 or 45,000. I have not seen the census of the other parishes, but, judging from the relative size, I should think from 40,000 to 45,000 inhabitants.

3188. Who is the lord of the manor?—Viscount Dillon.

3189. Is the entire barony the estate of Lord Dillon?—No; the greater part is.

3190. Are there many other proprietors in fee besides Lord Dillon, within the manor?—I should suppose there are eight or nine, or perhaps ten.

3191. Is any part of Lord Dillon's estate let upon leases for ever?—Not any.

3192. Where are your courts held?—They are held in three places within the manor; one in the town of Ballaghadereen, the next in Ballyhaunis, and the next at Carra Castle.

3193. Are those three places conveniently situated for the different parts of the manor?—Very much so.

3194. Have you been in the habit of holding your court in each of those three places?—Yes, since I was appointed seneschal.

3195. Does the charter prescribe any particular place for the holding of the court, or is the place at the choice of the seneschal?—I suppose, at the choice of the seneschal; I am not aware that there is any place prescribed by the charter.

3196. What is the date of the charter?—Sixth, James First.

3197. To whom was it then granted?—To Sir Theobald Dillon.

3198. What is the amount of the pecuniary jurisdiction?—I always understood it was 10 *l.* Irish.

3199. You are not clear, however, upon that point?—So clear that I act upon it; I understood it was reported to be 20*l.*, but I have never been applied to for any sum above 10 *l.*; and I never encouraged any suit beyond that.

3200. Have you examined into the charter to see whether that sum is given?—It is written in very contracted Latin, and it is not very easy to decipher.

3201. How often are your courts held?—They are never held at an earlier period than three weeks from court to court; it may be sometimes five weeks. The court is held in three different places; first in one, and then in another, and so it goes round the manor.

3202. Then the court is never held again in the same place in less than nine weeks?—Sometimes it is; it is done at the application of all parties, requesting that the court may be held for their convenience; but that is very seldom.

3203. And

3203. And generally, if I understand you rightly, it is more remote than nine weeks, in consequence of more than three weeks intervening between each court?—Yes, generally more than nine weeks; I should say three months; it is never less than nine weeks.

3204. How far are the three places from each other?—Ballaghadereen is 12 miles from Ballyhaunis; Ballaghadereen is six miles from Carra Castle, and Ballyhaunis and Carra Castle are seven miles distant. Supposing a line to be drawn through each of the places, it would form a triangle, and the base of the triangle would be six miles.

3205. Do the people complain of the court not being held oftener at each place?—There are individuals who would be benefited by the holding of the court in the neighbourhood of each town, who would be anxious to have the court held oftener. Two of the towns are post-towns, and the third is a fair-town, which brings a large concourse of people, and each of the towns would be anxious that the court should be held exclusively there; but no suitor complains.

3206. Are there regular court-houses in each of those three towns?—In Ballaghadereen there is a very good one, the property of Lord Dillon.

3207. Is that used for the exclusive purposes of the manor court?—Yes; it is also used for the petty sessions and the special road sessions.

3208. Are there court-houses in the other two places?—In Carra Castle there is a public-house, the owner of which built a room attached to his house, in expectation of having the petty sessions held there, so that he would get a rent from the county; but he was disappointed, and in that room I held my court for some time.

3209. Is the Committee to understand that it was separated from the public-house?—It is under the same roof, but the entrance is from the outside, not through the house; there is another room of great size to which the entrance is through the public-house, and there I generally hold the court now, passing through the public-house; it is a large house, and there are different entrances to it.

3210. Is the last room you mentioned as of very great size, the room he built for the purpose of having the petty sessions?—No, it is not; for not finding that take, he made a store-room of it; I held the court in that room for some time, until he found he could get no rent for it.

3211. And now you hold it in a room in the public-house?—Yes.

3212. Is the room in which you hold it in the public-house a convenient room in other respects?—Perfectly so.

3213. Large and commodious?—Very much so.

3214. Where is the court held in Ballyhaunis?—It is held in a house that was not a public-house until within about a twelvemonth, and since that the owner has given up the licence; I hold the court in a house which was not a public-house until 12 months ago, and now it has ceased to be one.

3215. About 12 months ago the house was licensed?—Yes.

3216. And since that the licence has been given up?—Yes; the keeper of the house was a process-server in the barrister's court, and it was intimated to him that he must give up one or the other; and I understand he has given up the public-house.

3217. Was he not told that on taking out his licence originally?—It seems he was not.

3218. What is the nature of the proceeding in your court; is it by the common law, by process of attachment, or by civil bill?—By civil bill.

3219. Have you ever had cases on attachment?—I have never issued an attachment.

3220. Have you ever been applied to, to issue them?—I believe I was many years ago, but not being satisfied I had the power to do so, I declined it; I have not been applied to for many years, and I never did issue an attachment.

3221. Are you also a magistrate?—Yes, I am, for the three counties of Mayo, Roscommon and Sligo; where I live is near the junction of the three counties.

3222. What is the average number of cases in your court each day?—For the last six or eight months or a year, they have been vastly increasing; I can state the total number, but I think about 30 would be the average.

3223. Do you mean 30 cases are brought to trial?—Yes.

 3224. How

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3224. How many summonses are issued in general beyond those which are brought to trial?—A vast number. In answering that question, by the direction of the Committee, I found a great deal of difficulty: I had chiefly to resort to my printer's account for them, and allowing for losses, there were, I should suppose, at least five issued for one that was brought to trial. The answer I sent to the Committee, I believe, was four, but I think there were five.

3225. Is there any great difference between the number of cases entered for trial and the number of cases actually tried?—No difference whatever. They are mostly entered as they are tried: very likely, in three or four or five courts one case might be entered, and settled immediately without proceeding.

3226. Mr. *Villiers Stuart.*] Do you keep a record of the cases which are brought before you?—Certainly; I am obliged to make a return to the clerk of the peace four times a year, to keep a copy of the court book and lodge it in his office, of the number of cases and the nature of the cases; I must mention the circumstances.

3227. *Chairman.*] What are the costs of proceeding in your court?—Five shillings and sixpence are the costs chargeable.

3228. Does that include the whole of the expenses the party is put to in coming into your court?—Yes, with the exception of 6*d.* which is paid for the service of the process, 5*s.* 6*d.* is the only sum entered in the decree; there is an additional 6*d.* which I do not enter; the plaintiff loses that.

3229. Are the processes always served by the bailiffs of the court?—Yes; there are five bailiffs of the court; and all process-servers in the barony appointed by the barristers, in my court, are permitted to serve processes.

3230. At the cost of the party taking out the process?—Yes; they always choose whom they think proper. I suppose there are 10 or 15 process-servers.

3231. What is the 6*d.* paid for?—For the service of the process.

3232. To whom is it paid?—To the server of the process, whoever he may be.

3233. Is anything paid for filling up the process?—I should think not. I always desire that the bailiff shall not fill them up. I have done all I could to prevent my own bailiffs from filling up the processes; those of the barrister's court I have no control over: I discountenance their filling very much, for they do not fill them correctly.

3234. How is the 5*s.* 6*d.* legal costs made up?—One shilling for serving the process; 1*s.* to the bailiff or marshal for summoning the jury, to be divided among them all; 1*s.* for entrance, and 2*s.* 6*d.* for signing the decree or dismiss.

3235. Is the 1*s.* for signing the process paid on taking out the process?—I leave processes signed at the three places, and there are shopkeepers who give them out, and account to me for them. I presume they are always paid.

3236. They are paid for them, and they pay over to you?—Yes.

3237. At what time is the 1*s.* to the bailiff or marshal paid?—On entrance.

3238. When is the 1*s.* for entrance paid?—On entrance also.

3239. At what time is the 2*s.* 6*d.* for signing the decree or dismiss paid?—On entrance.

3240. So that, although the parties may afterwards wish to settle their case before it comes on to be tried, while other cases are going on, they still are obliged to pay the full costs, as if they went to a final hearing?—They are.

3241. Has that always been the custom in your court?—It was always the custom in my predecessor's time; it was not the custom in my court for three or four years after it had been the custom in the other seneschals' courts in the neighbourhood. It has now been for several years the custom in my court.

3242. Has that ever been complained of?—I am not aware of it.

3243. Have parties endeavoured to break through that practice?—I never met with an instance.

3244. Should a party refuse to do so, should you feel yourself justified in refusing to proceed with the case until the sum was paid?—I do not know that I should. If the process is nilled, the money is returned; it is not if there is a decree or a dismiss.

3245. If it is a dismiss without prejudice, do you return the money?—I do not.

3246. Supposing there is a nil from no appearance of either party?—Whenever it is applied for, I have always handed over the money in court.

3247. Do you not conceive the paying that money into court tends to prevent the

the parties from paying or settling the matter in the interval?—I do not think it does.

3248. Do you require that all the cases entered for trial should be proceeded with?—No; they are seldom entered until they are tried.

3249. Mr. *Villiers Stuart.*] Do you never have to return the money to parties after they settle the case?—No; because it is very seldom, if ever, they do settle. They seldom enter until the trial comes on; while the former trial is going on, they are considering whether they will settle or not; and if not, the case is entered, and the trial is called on.

3250. Do you allow the same jury to try all the cases?—I generally empannel 20; but I have a jury of 12. I have not the same jury all day.

3251. Do you keep the same jury for two or three hours?—Sometimes not more than an hour or two; sometimes not more than half an hour. A juror may wish to go off for some reason, and another takes his place for half an hour or an hour.

3252. *Chairman.*] But for eight or ten consecutive cases, does not the constitution of the jury remain unaltered?—It does; perhaps seven out of 12 of the jury would continue.

3253. Then a party having a case coming on which turns upon a particular question, and seeing an impression upon the jury's mind to be favourable to his view of the case, do you not think such a party would be, from that circumstance, induced to enter his case at once, which case, if he did not observe that impression on the minds of the jury, he would probably withdraw altogether?—I do not think that is the case on the part of the plaintiffs; but I have observed that it operates on the minds of defendants: I have known them object to persons who, in cases before that, have given their opinions, which might turn out to be unfavourable to him, and he immediately objected to them.

3254. Then if the defendant objects to them on that account, the plaintiff would prefer them?—Yes, certainly.

3255. Do you not perceive there is an inconvenience of that kind arising from the practice of not making parties enter their cases until after the business begins, so that a party may speculate upon the opinion of the jury; whereas, if he were obliged to enter the cause before the business commenced, he could not tell what the bias on the mind of the jury would be?—It might be so; but it would be so seldom, and the difference so trifling, that I do not think any real inconvenience can arise from it. I think the plaintiff is almost always disposed to enter his case.

3256. I ask you, first of all, whether that does not appear to you to be an objection to the course you pursue in allowing them to enter causes after the business has begun?—I rather think it does not.

3257. Whether the custom of allowing causes to be entered immediately before their trial be an evil in itself or not, does it not almost necessarily follow from the other custom which you adopt in your court, the custom of requiring the whole costs, including those of the decree or process, to be paid into court upon entry?—I do not think it does.

3258. Would it not be a great injustice to demand the whole payment of the costs three or four hours before the case came on, and to deprive the parties of the opportunity of settling their case before that time?—No; because, if they settle, their money will be returned.

3259. Do they, in point of fact, ever settle?—Perhaps in one instance in 40.

3260. Is there, in point of fact, a great difference between the amount of cases entered for trial and the amount of cases actually tried?—It appears that, within the period to which the return applies, 880 cases were entered for trial.

3261. How many of those were actually tried?—I do not know; but I can state that 511 decrees and dismisses out of 880 cases have been actually signed and taken out.

3262. Mr. *Villiers Stuart.*] Might not a party be prevented altogether from obtaining redress in your court by not having the means of paying the costs in the first instance?—There are instances where people come to me who have not the means of paying the costs, and I make it a rule not to give credit; but where they are very poor persons, I lend them money out of my pocket, that they may not lose the means of obtaining redress.

3263. You endeavour to do justice by lending them money out of your pocket?—Yes. I do not issue a decree for a month after it is obtained, and

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many of them are not called for within that period, and therefore do not require to be signed; but 511 out of 880 have been taken out, and called for.

3264. *Chairman.*] Then, whether the decree is signed or not, do you retain the fee of 2*s.* 6*d.*?—Yes.

3265. Is not that fee allowed by the statute for signing the decree?—Yes.

3266. And the practice of your court is, that, whether the decree is signed or not, the seneschal is to receive that fee?—He receives it.

3267. Without the receipt of that fee, you are not in the habit of entertaining the case at all?—Precisely.

3268. On what principle do you conceive that practice has obtained in the court of your manor?—It was the habit, as I understand, of all the other seneschals, to issue decrees or processes for the amount of their costs, whether they were paid or not, and send a bailiff to make seizure for the amount, at least as much as would cover his costs, and the bailiff was paid for his seizure; the other seneschals, of whom I was one, to prevent the trouble of that, and the expense of issuing out an immense number of decrees, insisted upon being paid it at the time of entering; I, and many of the others have done so. If a decree or dismiss is obtained, the costs are paid; if not obtained, the costs are returned.

3269. But whether a decree or dismiss is obtained, and you perform the duty for which the statute gives you the fee, you still receive the fee?—Decidedly, I receive the fee.

3270. Whether you perform the duty or not?—Yes; I could perform the duty of filling up 100 decrees in five minutes, but I do not do it.

3271. You have as much trouble in trying the case, whether the decree is taken out or not?—Certainly.

3272. But is not that, though it may be a good reason for altering the law as it now exists, a very bad reason for departing from the provisions of a positive Act of Parliament?—Certainly, it would be incorrect to depart in the slightest manner from an Act of Parliament; and until the view which has now been given me, I did not know that I was doing so.

3273. You say you think the seneschals, in your part of the country, are in the habit of doing so?—I believe they are.

3274. Do you think the seneschals are in the habit of reading the Act of Parliament under which they act?—I am sure they are; they are gentlemen of the greatest respectability, members of the grand jury of the county. I spoke from presumption rather than actual knowledge, and I may be incorrect; but I hear from report that is the practice.

3275. Mr. *Lucas.*] If I understand you rightly, you consider the fee, though attached by law to the formal act of signature, to be virtually a remuneration for your trouble in hearing the case?—Certainly; the work is done, whether the decree be signed or not.

3276. If you believed you were deviating from the law, would you have commenced or continued that practice?—Most assuredly not; I am bound by oath to observe the law.

3277. Do you give security?—Yes, 500*l.* security, lodged with the clerk of the peace.

3278. The practice you spoke of, of having the fee lodged previous to issuing the decree, is that an improvement, in favour of the suitors in your court, of the practice before your time, or is it the contrary?—I should suppose it would be in favour of them, but it would be a great annoyance to send a bailiff for the fee. I always consider I am entitled to the fee on the decree being issued; and, if they wish it I send a bailiff to seize for the amount of the decree, which is attended with a good deal of trouble and expense, and with much annoyance to the defendant.

3279. Was it with an idea of relieving the suitor at the same time, and securing your own fee, that you made that change?—I must say, in candour, my great object was to secure myself.

3280. Now, whether the parties settle after the decree or not, the plaintiff in the first instance is at the expense of the 2*s.* 6*d.*?—He is, I presume; but he would get it from the defendant upon the settlement.

3281. Then do you think it would tend more to an amicable settlement between the parties, after the decree is taken out, that the defendant should have to pay 2*s.* 6*d.*, which he now has, according to your statement, to return to the plaintiff,

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plaintiff, or that by this sum not being previously paid, the parties, if they choose, may come to a settlement without the defendant being put to that additional expense of 2 *s.* 6 *d.*?—It is natural to believe that it would be much easier to settle the debt by not having the addition of that 2 *s.* 6 *d.*

3282. But now, if they settle the debt, they would have 2 *s.* 6 *d.* and something more to pay than they would have if the practice of paying the costs into court in the first instance were not followed?—I do not consider it is an arrangement or settlement of the debt when a decree is obtained.

3283. But at any rate, considering the saving of expense which you have put forward as the great good resulting from this plan, there is a set-off of at least 2 *s.* 6 *d.* to be made upon that score against your plan; is not that so?—I do not consider that it is for the good of the parties that the seneschal accepts the situation and goes through the whole labour; he does not act so completely *pro bono publico.*

3284. I do not ask you with regard to the seneschal, but with regard to the advantage to the parties, supposing the seneschal to receive no remuneration at all; but putting that out of the question, and looking only to the pecuniary interests of the parties, is it not clear that where this sum of 2 *s.* 6 *d.* is paid in the first instance by the plaintiff, and, on the payment of the decree by the defendant, is to be refunded to him upon the settlement, is it not clear that this sum is an increase of the amount which the defendant would have to pay in a similar case, if that practice of paying the costs into court were not followed?—No, it is not.

3285. Excluding the seneschal altogether from our consideration, and looking only to the plaintiff and defendant, supposing the two cases to be precisely similar in every respect, except this, that in the one case the costs are to be paid into court, as they are in your court, and in the other case the sum for the process and decree is not paid until the process or decree are taken out, and supposing also that after the decree is pronounced, but before it is taken out, the defendant pays the plaintiff his demand; will not the defendant have 2 *s.* 6 *d.* less to pay where the costs are not paid into court, than he would have to pay where they are paid into court?—Decidedly.

3286. Then, as far as cheapness to the party is concerned, and as far as the facility which cheapness affords to the payment of the plaintiff's demand by the defendant, is there not an advantage in the course where the costs are not paid into court above that where the costs are paid in, looking not to the seneschal, but to the advantage of the parties themselves?—Decidedly it is an advantage to the parties where the costs are not paid into court, where there is not an authority to recover the costs, whether they pay the debt or not; for instance, if they do not pay me immediately, the moment the decree was obtained I would sign the decree and insist upon the costs.

3287. Do you think a party is bound to pay you for your decree, whether he takes it not?—I do, certainly, after the trial; I may sign the decree instantly, and he is bound to pay; and if the defendant pays the whole debt, with the exception of that half-crown, I may distrain for that half-crown immediately. I do not issue a decree or a dismiss between one court day and another; the decrees obtained in one court are not issued till the next court day; they are signed, but not issued, to give each party an opportunity of appealing. Where there are no costs, most certainly it is easier for the defendant to pay the debt than where there are costs; but on the other hand, I think it would be a great encouragement to litigation, and it tends to prevent it, having some costs more or less to pay.

3288. In some parts of the country, I believe, the only sum paid on entrance is 2 *s.*?—Yes.

3289. The 1 *s.* for signing the process of course goes to you also?—Yes.

3290. And the 1 *s.* for entrance goes to you also?—Yes.

3291. The 1 *s.* to the bailiff and marshal, who does that go to?—It is divided among them all; if there are 40 *s.* I call them together, and each gets his share; one-fifth part.

3292. Do attornies ever practise in your court?—Sometimes.

3293. How often should you say have you known attornies practise each court day?—There are several courts without one; perhaps for the last three or four courts I have seen attornies, and for three or four courts before that I have not seen one.

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3294. Have attornies ever objected to lodging the money before trial?—I never heard of it.

3295. Mr. *Villiers Stuart.*] If there happened to be a seneschal who was not a charitable person, some parties might not be able to bring their cases before the court, from not being able to pay the cost beforehand?—There might be such persons; I cannot say much for my own charity, but instances have occurred where a person has not been able to pay the costs, and I have paid the whole sum out of my pocket; that has not occurred in more than one case out of 50; but I never knew an instance where I saw a poor man, who could not recover his rights, that I have not immediately given him the means of doing so.

3296. But it is a well known thing throughout the district, that every person is obliged to pay the costs in the first instance?—Yes.

3297. Then, is it equally well known that a person who cannot afford to pay will obtain redress without paying the costs?—By no means; I conceal that as much as I can.

3298. So that poor persons may be deterred from seeking redress in your court by the system you enforce?—It is possible; but I am satisfied such an instance has never occurred.

3299. *Chairman.*] Now as to your renewing, you state you have never been in the habit of holding over your decrees until the next court day?—Invariably.

3300. Upon issuing them that next court day, is any additional charge made upon the parties?—No, not one farthing.

3301. In case a party should not take out the decree on the next court day, what do you then do?—If it remains on my books until the next court day, he is entitled to a decree without my charging him an additional farthing within the next 12 months or two years, until there is a doubt whether the man has been paid, and then I have the parties brought before me again. If I find it is left upon the books a considerable period, perhaps two or three years, I naturally inquire into it.

3302. Mr. *Villiers Stuart.*] Are the parties kept waiting a week before they obtain a decree?—It is a month from court day to court day.

3303. Why is that?—To give them an opportunity of appealing.

3304. *Chairman.*] Have you ever known a double renewal to be made of a decree; a renewal upon a renewal?—I have.

3305. How long had that decree been held over?—Perhaps six or eight weeks, or three months; sometimes 12 or 18 months.

3306. What has been the charge for each renewal?—Sixpence.

3307. Any other costs?—No.

3308. Are the parties required to make an affidavit before you that the debt remains unpaid?—Yes.

3309. The same as at the civil bill court at quarter sessions?—Precisely.

3310. Mr. *Villiers Stuart.*] You have lately stated that parties are kept waiting a month before they obtained the decree, to enable them to make an appeal?—Yes.

3311. It appears that in other courts they are allowed to obtain a decree the same moment they obtain a decision in their favour; why should not that be the case in your court?—If they apply for an appeal on the court day, it is immediately granted; but the defendant may not have security ready to offer on that day, and therefore he has until the next court day to do so.

3312. Do you conceive that the law binds you to take an appeal which is entered before the next court day?—Yes; I consider myself bound, and I afford every facility by taking it every day before the next court day; indeed I have seldom refused it even on the morning of the day the court sits.

3313. Provided the party lodged the double costs?—Yes.

3314. Supposing he refused to do so, should you consider yourself bound to take the appeal?—I considered I was entitled to refuse to take the appeal.

3315. *Chairman.*] What is the amount of the double costs lodged with you, before the appeal is taken out?—Eleven shillings.

3316. That is lodged by the party appealing?—Yes.

3317. Does he leave security also?—Yes, for double the debt.

3318. Does he give security for double the costs?—No.

3319. Do you demand, upon the entry of an appeal, any other sum besides the 11 *s.*?—One shilling for signing the appeal.

3320. Do you remember what part of the Act of Parliament gives you the power of taking 1 *s.* fee for signing the appeal?—I know the Act gives the power, but I cannot recollect the section now.

3321. Mr. *Villiers Stuart.*] Do you find that system has succeeded in checking vexatious appeals?—Yes, in a great measure: if it were not for that, one single debt for which a decree was granted, be the amount what it might, would not be paid until after the ensuing assizes.

3322. What proportion do the appeals bear to the number of decisions in the course of a year?—In the 888 cases tried in the period included in the return, 26 appeals have been lodged.

3323. In how many of these have the decisions been reversed?—One.

3324. Twenty-five appeals were either affirmed or did not go to trial?—Yes. I beg to observe that that one which was reversed was a very simple case of wages, so long due that it could not be decreed for at petty sessions, and the master, who has acquired some notoriety for the non-payment of debts, is a very wealthy man, and he entered an appeal, and it was called on before the plaintiff, who was a very poor man, was aware of it; he was given to understand that it would not be tried that day: it was the first case the judge took, and he came in just after it was over. Since I have been seneschal, there have been but two decisions reversed in the whole 23 years.

3325. What is done with the double costs which are paid into your court on the determination of an appeal?—If the judge affirms a decree, he mentions a certain sum to be paid; the 11 *s.* makes a part payment of that sum, and is immediately handed over to the person against whom the appeal is decided, who has to pay the money.

3326. In general, where your decree is affirmed, the costs lodged by the appellant are handed over to the respondent?—Exactly.

3327. Within what time have these 26 appeals been lodged?—Within the period for which the returns have been ordered.

3328. It is somewhat more than three years?—Yes.

3329. Have you brought your return down to the date at which the order reached?—Yes, the 23d of March.

3330. Upon an average, what is the largest number of appeals actually entered at any one assize?—I cannot say.

3331. Have there ever been 12 appeals at one assize?—No; perhaps there may have been two, or perhaps the greatest number may have been three or four; I do not know that I have ever known five; in 888 cases, in three years and three months, there were but 26 appeals.

3332. There were seven assizes held in which the 26 appeals would have been entered, that gives an average of three or four to each assize?—Yes; so that the greatest number must have been five, for the average is three and a half; in that time there would be 44 courts held, and the number of appeals was 26.

3333. Five would be the largest number at each assize?—Yes, five or six; and there would have been many without any.

3334. If the appeal be not taken up before the next court day, the defendant then loses his right of appeal?—He does.

3335. Upon the renewal of the decree, there can be no appeal?—No.

3336. The sum of 11 *s.* in each case remains in your hands until the judge of assize has decided upon your appeal?—Yes, it does.

3337. So that five being about the greatest number of cases, upon the average, to be tried at any one assize, I am to understand from you that you never have had a greater sum lodged in your hands at a time than from 2 *l.* to 3 *l.*, in the shape of costs?—Never; it could not be so much upon the average.

3338. How soon after the decision of the court upon the appeal, do you pay the sum over to the successful party?—Upon application for it.

3339. Do you pay the whole amount of 11 *s.*, or do you deduct anything for the costs of your own court?—The whole 11 *s.* is handed back.

3340. In general, it is handed, not to the party who loses it, but to the other party, as you state in general your decrees are affirmed?—Whoever is to pay the money, the 11 *s.* forms part and parcel of that money.

3341. Then is the 11 *s.* added to the sum decreed for, or is it subtracted from it?—It is subtracted from it; it is taken as part of the debt. In case the appel-

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lant does not go on with his appeal, but that he wantonly perhaps appeals, for the purpose either of delay or vexation, I hand the double costs over to the respondent.

3342. In addition to the amount of the decree?—Five shillings and sixpence of that sum is in addition to the amount of the decree.

3343. What is that 5*s.* 6*d.* for?—A sort of mulct or penalty, if he does not go on; he pays that for the trouble and loss of time the other party is put to.

3344. Suppose a case between A. and B.; the plaintiff goes to your court, he pays 1*s.* for his process; he comes into court on the court day; on entering his cause he pays you 4*s.* 6*d.*: suppose A. gets a decree against B. for 2*l.*, B. appeals against your decree; in order to appeal, has not he to lodge the sum of 11*s.*?—He has.

3345. Suppose the case goes to the assizes, and your decree is affirmed, upon which B. has to pay the 2*l.* to A., what is done then with the 11*s.*?—He gets credit for the payment of the sum out of the debt, for whatever costs the judge orders; he either comes to me for the 11*s.* or gets credit for it; for instance, he pays 2*l.* 9*s.*, or any sum the judge orders.

3346. That is to say, you consider yourself entitled to hand over the 11*s.* to him, in order that he may pay the 2*l.* 9*s.*?—Certainly.

3347. The judge takes no notice of this transaction between you and him, as far as the 11*s.* is concerned?—No, he is not aware of it.

3348. Now, supposing that B., the defendant, instead of going to trial before the judge, had let the appeal go by default, as you mentioned just now, in that case, what should you do with the 11*s.*?—If he had not appealed, the costs and debt would be 2*l.* 5*s.* 6*d.*, but having appealed, the appeal to go by default, he pays 2*l.* 11*s.*, and the other 5*s.* 6*d.* I believe I have a right to hand over to the respondent.

3349. Supposing the judge had affirmed your decision on a regularly defended appeal, what are the ordinary costs he gives against the appellant?—I cannot answer that; but I recollect an instance in which a man was decreed, I think, for 10*s.*, which would be 15*s.* 6*d.*, if he paid the debt and costs; the defendant lodged an appeal, and I know that with the sum the judge ordered him to pay, together with the 15*s.* 6*d.*, it came to 5*l.*; how it was made up I do not recollect.

3350. Whatever order for costs the judge makes on an appeal, that always covers and includes the amount of costs of the original suit, that is, 5*s.* 6*d.*?—I should suppose so.

3351. Whatever order the judge makes for costs, the costs of the original suit are not to be added, but are part of it?—Yes; the judge sees the amount of the debt and costs, and he affirms that with the additional costs of his court.

3352. So that you can state, as a conclusion, from the experience you have had, that this sum of 5*s.* 6*d.*, which you put upon the party as additional costs in case of his not prosecuting his appeal, certainly does not exceed the amount of the additional costs which the judge would put upon the party?—It does not.

3353. In point of fact, does it not fall short, upon the average, of what the judge would put as the additional costs?—Certainly; and the judge's costs are very severe.

3354. Much greater than the amount of double 5*s.* 6*d.*?—Yes; he will allow a guinea for a counsel and 10*s.* for an attorney.

3355. Have you ever found that the holding over of the decree until the next court day has created an injury to the plaintiff, by the defendant removing his substance or evading the execution of a decree?—Very often, and also a very great injury to the seneschal.

3356. How is it a great injury to the seneschal?—Because a vast deal of trials would come into my court but for that delay of a month. I believe other seneschals do not delay issuing the decree. I believe Mr. Carey has taken advice upon the subject, and has granted the decree during the sitting of the court; but I have never departed from that practice during the 23 years.

3357. You think there would be a less hardship than if you gave an opportunity to appeal immediately?—Yes, I think so; for it is shown by the fact that there are only 26 appeals out of 888 cases.

3358. Mr. *Villiers Stuart.*] From your experience, do you not consider the judge

judge puts higher costs than are necessary?—I presume not; I could not impugn his view of it.

3359. But in the case of a small debt, does it not appear a very hard thing that a party appealing should be put to an expense of 5*l.*?—Such was the spirit of litigation in the case I alluded to, that the costs amounted to that: I conjured the parties to leave it to arbitration, but they refused; and the way the costs were incurred was, that each party gave a guinea to a counsel, and half a guinea to an attorney.

3360. As seneschal, you would wish that the right of appeal should be as free as possible to all parties?—Decidedly.

3361. Do you think it would be an improvement if the appeal were given to the assistant barrister, instead of to the judge of assize?—Certainly not.

3362. On what grounds would you disapprove of the assistant barrister?—My answer to that might seem a very invidious one, but the number of the barrister's decisions reversed on appeal bear no proportion to the number of ours. Speaking from recollection, I should say 11 of the barrister's decrees were reversed in one day by Sir William Smith, and it would be a great hardship to make the parties go from one court to another, where the number of reversals bear no proportion to the other.

3363. Do the number of the barrister's decrees bear any proportion to yours?—No; the barrister's decrees in one day will amount perhaps to 200; but I speak of the number of reversals out of those which go for trial.

3364. Then it would be hardly fair to consider the number of reversals, unless you take into consideration the number of decrees?—If there are five appeals from my court and five appeals from the barrister's court, I think I should get off four times as well as he would. If he was the cleverest man in his profession, and he had to dispose of 200 cases in a day, it is impossible he could do justice in all.

3365. Mr. *Villiers Stuart.*] Is he confined to time?—I believe so.

3366. The business must be got through in one day?—I suppose in six or eight hours; sometimes he sits from 9 in the morning to 11 at night; the very last quarter sessions I attended the barrister's court he sat until 11.

3367. *Chairman.*] Where the parties come to a settlement before the trial of an appeal, what is done with the costs in that case?—If they come to an amicable settlement, I dispose of them as the parties may desire. If the party who appeals pays the money, he is allowed credit for 11 *s.*

3368. In the bond which the parties enter into, there is no condition to pay more than the sum decreed for?—It is conditional to pay double.

3369. Do you always take care the sureties to that bond shall be solvent and respectable persons?—No, I am extremely lax in that respect, if I see the party appealing is in tolerably comfortable circumstances; I do what I can, but I am not very exact. My object is to afford every facility.

3370. Have you ever known the party appealing or his sureties proceeded against at law for non-compliance with the conditions of the bond?—I have.

3371. In what court?—In the barrister's court.

3372. Has the barrister decreed?—He has.

3373. For the full penal amount of the bond?—Yes; but the result is uncertain: one barrister will do so, and another will not.

3374. Will the present barrister of Mayo decree upon a bond in that manner?—Yes. I believe the present barrister has entered into it; he did not decree it, because it was proved there was a settlement.

3375. Was there an appeal in the case to which you refer from the barrister's decision?—There was not; it was paid.

3376. How do you summon juries in your court?—Some years ago I had a list made out of a number of people who were fit and proper to be summoned in that district, and another list in another district; that is 10 or 15 years ago.

3377. Have you altered that list from time to time since?—I have not actually altered the list; I take them generally from the gentlemen who attend. The attendance is generally very full of persons of great respectability; the most respectable yeomen, and some gentlemen and magistrates of the county.

3378. Are you in the habit of summoning particular jurors for particular court days?—I believe I did sometimes, but not more than two instances. Some time ago I issued summonses to every one in the neighbourhood, and I have not had occasion to do that since, nor for a long time before.

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3379. The marshal of your court is entitled to a fee of 1 *s.*?—He is.

3380. That fee is for summoning the jury?—Yes.

3381. Which he does not do?—He does not.

3382. But still he receives the fee?—Yes, I always allow him the fee: I in fact summon the jury myself; the gentlemen of the town come in when I go in.

3383. You say the jurors are of a respectable class?—Yes; some of the gentlemen I have seen on special juries at the assizes, and some of them are magistrates of the county; they are gentlemen of from 200 *l.* to 500 *l.* a year; but some of the farmers are perhaps not worth more than 100 *l.*

3384. Is that the case at Carra Castle?—I do not particularly recollect; they are respectable men.

3385. So that the fact of the jurors being magistrates, and so on, of from 200 *l.* to 500 *l.* a year, will apply to all the courts?—Not to all the three courts equally.

3386. Have you ever had a special juror upon your juries at Ballyhaunis or Carra Castle?—Persons have been upon the special jury at Ballyhaunis.

3387. Can you mention the names of any of them?—I may state that I saw a gentleman on the special jury at the assizes a short time ago; and I said to a gentleman who was talking of the juries in our court, "There is one of my jurors on the special jury."

3388. You made that observation upon some person talking of the class of jurors in your court?—Yes, generally, of the seneschals' jurors.

3389. The jurors other seneschals empannelled, not yourself?—Yes.

3390. Has there been any complaint of your empannelling jurors of a low class?—I never heard it; I never did empannel a man I thought unfit.

3391. I do not say unfit, but of a low class in life?—I mean unfit to try a debt of 20 *l.*; I do not think the wealthier classes are the most correct, or the most proper persons; I look more to their habits than their wealth, or anything else.

3392. Mr. *Villiers Stuart.*] Are they all tenants of the lord of the manor?—They are all residents of the manor.

3393. Are they all tenants of Lord Dillon?—Not holding leases by which they are bound to attend the court, because some of them are under-tenants. There is a gentleman in my neighbourhood who holds land of the value of 500 *l.* or 1,000 *l.* a year, under a lease from Lord Dillon; his under tenants are not bound to attend.

3394. What sort of lease is that?—A lease for lives; there are no leases but for lives, except in the town of Ballahaderine.

3395. Does that give you a greater facility for obtaining a jury, the tenants being bound by leases to attend?—I think so; they attend because they think they are bound to do so, or dreading a fine. I have summoned in a very few instances.

3396. *Chairman.*] In the courts which are held in the room of a public-house, and in the house which was for a short time also a public-house, did you find that respectable gentlemen and farmers of the class you mentioned, were in the habit of attending?—Yes; it made no difference.

3397. Upon the average, were the jurors whom you empannelled an equal class to those who served on juries at quarter sessions?—Yes, better: I think many of them, particularly at Ballyhaunis, form the grand jury of the quarter sessions.

3398. Where are the quarter sessions held for that district?—In Clare; many miles off.

3399. Have you ever had butchers on your jury?—I have had one, who had been a private soldier; he is one of the most intelligent jurors I had. He has acquired some little means by his industry; I suppose he is worth 50*l.* or perhaps 100*l.*, and he is a very correct man.

3400. If any complaint was made of a butcher serving on the jury, it is no further substantiated than by this individual instance?—Just so.

3401. Have the keepers of any public-houses ever been empannelled on your juries?—No; the keeper of one of the public-houses is a bailiff of the court, and he has given up the public-house: I stated before, he was an officer of the barrister's court, and the barrister would not allow him to keep the public-house. In the only other case, the man has been dead for three or four years, if he ever attended; whether he did or not, I do not know. He was a man of highly respectable habits, and I rather think he never did attend.

3402. Are the jurors all capable of reading and writing?—Always; I take for granted they are; indeed, I am sure of it.

3403. Is the Irish language much spoken in that district?—They all speak it.

3404. Are there many suitors who cannot speak the English language at all, or who do not speak it fluently?—Sometimes they have tried to shelter themselves, under pretext that they do not speak the English language; but I found that they all understood it.

3405. Then endeavouring to evade cross-examination, by persons who pretend to understand the Irish language alone, will be of no avail in your court?—Not the least.

3406. Mr. *Vesey.*] The jurors who attend the courts, are they indiscriminately from the town and country?—Yes, from the town and country.

3407. Do many of the shopkeepers of the town sit upon the juries?—All, particularly in Ballaghadereen, where they are a respectable class.

3408. Do you find that wherever there is a suit between a shopkeeper in the town and a person in the country, the verdicts are impartially given?—I am satisfied they are.

3409. Did you ever find that any verdict was given in favour of a shopkeeper where the justice of the case ought to have given it to the defendant who lived in the country?—Never.

3410. In fact, do you consider that the manor courts can be made the ground of oppression on the part of the shopkeepers against the inhabitants of the country?—I am sure they cannot.

3411. Are they equally popular, or are they equally used by the people of the country as well as by the people of the town?—Quite so; it is very seldom that the people of the town have much business there. I think, where oppression is most attempted is by small farmers, who issue meal or other things on time, or perhaps, among the peasantry, individuals who have acquired money by great frugality and hard labour, and when they get 100*l.* or 200*l.* they acquire a rapid increase by selling meal and other things, and advancing money at an exorbitant interest.

3412. Do you generally charge the jurors when they give their verdict?—I generally do, except in plain cases.

3413. Do they ever give their verdict contrary to the charge or the opinion you give?—I believe, scarcely ever.

3414. In any one of the cases where they have given their verdicts, did you consider those verdicts were unfair towards the party against whom it was given?—I do not recollect an instance.

3415. *Chairman.*] With reference to those cases of time bargains which have been alluded to, do the jurors in general give decrees for the full amount of the contract?—In some instances they do, but they are always guided by an equitable view of the transaction.

3416. But where the transaction appears to be distinctly fraudulent and usurious, do they cut down the amount to what they think will allow the party a fair rate of profit?—They always do; in those cases they are always most scrupulous.

3417. Are many of the jurors in the same class of life as those persons who are dealers in such transactions; those parties who profit by the usurious contracts?—In some cases the jurors are, in the eyes of the world, inferior; there is one individual, who has acquired wealth and property, and considers himself a sort of gentleman, who is in the habit of bringing cases before them; he would not associate with them.

3418. He is an exception to the ordinary case?—Yes.

3419. Are not the parties in general who deal in such usurious contracts a class of farmers, what are called comfortable farmers, perhaps not holding a vast quantity of land, but in comfortable circumstances?—Yes, comfortable farmers, in our view of it; that is, holding from five to ten acres of land, and perhaps in cash from 50*l.* to 200*l.* or more.

3420. And they endeavour to make the most of their capital by the exorbitant rate of interest they charge?—Yes, a most extraordinary interest, in some cases.

3421. Taking advantage of the necessity of the poor labourers and others with whom they deal?—Yes.

3422. Do not the jurors in general come at least nearer in condition of life to

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the class who profit by these transactions than to the poor persons who are the victims of them?—Yes, they are far above the poor who are the victims of these transactions.

3423. Are they not generally nearer to the former class than the latter; that is, nearer to those who profit by such transactions than to those who are oppressed by them?—Yes, they are.

3424. Notwithstanding that, do you think that their being nearer in condition to those who profit by those transactions does not make them lean towards them in such cases?—Certainly not; it is, most creditably, the reverse.

3425. In your court-house in Ballaghadereen, have you a separate room for the jury?—No.

3426. Have you a box for the jury?—Yes; it is a court built for Lord Dillon by Mr. Strickland, his representative, and it is most convenient for holding my court and the petty sessions; there is a place for the jury, and the people in the body of the court are below it.

3427. Then the people in the body of the court are kept from any communication with the jury?—They are.

3428. Do the jurors always consist of 12 persons?—Invariably.

3429. Do you always require the jury to be unanimous in their verdict?—Always; an instance to the contrary has never occurred.

3430. Then, if it has been stated that a majority of the jury decided, that statement is unfounded?—Yes; it has never occurred for 23 years.

3431. Have the jury ever occasion to retire and deliberate?—We have no place to retire to.

3432. If the jury wish to deliberate in private, do you exclude the public from the court?—Yes.

3433. While they are in deliberation?—Yes.

3434. When you exclude the public from the court, do you retire or remain?—I remain; in fact, I have never had occasion to exclude the public; but I do exclude the plaintiff and the defendant; at least they are put out of hearing.

3435. Then, in point of fact, the jury have never been, in the strict sense of the word, deliberating by themselves?—They never were.

3436. Is their box so distant from the rest of the court that their deliberations would not be overheard by anybody?—They are overheard by those in the court, that is, people, who, I think are not interested; I put out those who are interested from their connexions, as far as I can judge: jurors generally care very little whether they are overheard or not.

3437. The jury never complain to you of the want of a place to retire to?—They never did.

3438. In your other courts, have you ever excluded the public while the jury were deliberating?—Never.

3439. Of course, I presume, where the courts are held in public-houses or rooms, you have no place for them to retire to?—No; but I put out the parties.

3440. In those places, have the jurors separate seats to themselves, excluded from the body of the court?—They have, in Ballahaderine; it is precisely like sitting at this table, except that there is a strong railing to keep off the public: the jury generally sit at the table, and the parties are allowed to come inside the railing with their witnesses, to tell their story, and when that is done, the gateway or passage is open, and they are put out.

3441. And the body of the public are kept outside of that railing?—Yes.

3442. The jury sit on one side of the table?—Yes, generally.

3443. The seneschal sitting in a chair at the end?—Yes.

3444. And the other side of that table there is a space which is kept open for the parties and the witnesses?—Yes, as much as we find it practicable.

3445. Do you keep good order and regularity in all your courts?—I try to do so.

3446. Have you ever had occasion to commit any person for contempt of court?—I never did.

3447. Mr. *Vesey.*] Do you find, with the assistance of the police, you are able to keep order in your court?—Yes; at least as much so as I have ever seen in the barrister's court; but where there is a great crowd, it is very hard to keep that regularity you observe before the judge of assize.

3448. Is

3448. Is there sufficient order kept to allow the business to go on?—Yes, quite so.

3449. Have you ever had an instance of gross interruption of the business at your court?—Never.

3450. Mr. *Villiers Stuart.*] Is it in your capacity of magistrate or seneschal, that you obtain the assistance of the police?—I ask it as a favour; the stations are in each of the places; and I always give the police to understand that I do not enforce their attendance, but if they will attend I am much obliged.

3451. *Chairman.*] In any of the courts, how long have you known the jury to remain in deliberation?—Perhaps it might be for a quarter of an hour, or half an hour; perhaps it might be for an hour.

3452. During the whole of that time the court has remained filled?—It has.

3453. Mr. *Vesey.*] Have any persons in the court interfered with the juries during that time?—They have made attempts, and I have put a stop to it; I have had persons removed who might be making observations.

3454. In case a person insisted on interrupting the jury during the time of their deliberations, what means have you employed to prevent them?—I never met with an instance where a person continued to do so after they are desired not to do it; but if they did I should conceive I was entitled to put them out of the court, and make the court the jury room.

3455. To clear the court?—Yes.

3456. *Chairman.*] Have you ever had occasion to stop witnesses who were going into an irregular line of evidence, or to tell the juries that such and such things were not legal evidence, and they must dismiss them from their minds?—I dare say I have, frequently: the witnesses are extremely prolix; they adopt their own mode of telling their story; but it is impossible to stop them until they come to a settled point; they must have their own way.

3457. I believe you have the power of examining the plaintiff and the defendant, have you not?—For sums under 40 *s.* I examine the plaintiff and defendant.

3458. For sums above 40 *s.* do you often find the plaintiff or defendant interposing to tell his own story?—Yes, he states his case, and tells his own story.

3459. Do you think his own statement of his case, though not legal evidence, weighs upon the minds of the jury as much as any other evidence in the cause?—It weighs upon the jury as much as the statement of any other person equally competent to make a statement; but it is still only a statement.

3460. The jury always understand they are not to consider that as evidence?—Decidedly.

3461. Have you ever allowed jurymen to be set aside in consequence of any objection being made to them?—Always.

3462. Do those objections generally come from the jurors themselves, or from the parties in the case?—Sometimes from the jurors themselves, and sometimes from the parties.

3463. When you set a juryman aside for that cause, is he set aside for the whole of the day, or for that particular case merely?—Merely for that case.

3464. The person who is put on in his place for that case, is he removed, or suffered to continue?—If a juror asks me to get off, I allow him to do so; but the other person may remain on for an hour or two, as it suits the convenience of the jurors generally.

3465. Have you, after putting a man off, put him on again?—Yes, I dare say I have.

3466. In cases in which you have done so, do you recollect whether you have thought it necessary to swear him again upon that jury, or whether his previous oath has been thought sufficient?—I did not swear him again, because the oath is, "You shall true verdicts give, according to the evidence which shall be given before you in the cases which shall come before you this day." They are not sworn for each individual case.

3467. Mr. *Vesey.*] Do the parties ever object to any of the jurors?—Sometimes.

3468. Do you always allow them to do so?—Always.

3469. On what grounds do they object; do they ever object to those people who are guilty of usurious practices?—I know that description of persons tolerably well, and they are generally not upon the jury; but I think it would be

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be a very good ground of objection: I sometimes do not ask them their grounds; sometimes it is consanguinity or friendship, and sometimes the recollection of an old grudge. I seldom ask them the grounds: if they say, "I object to this person, or to that person," I set them aside.

3470. *Chairman.*] Have you ever found any inconvenience from holding your court in a public-house, with reference to the condition in which the suitors or witnesses come to your court?—I recollect an instance of a juryman, but it was in a court where there was no public-house; I saw the state he was in, and I took care to have him removed; and I perhaps may have met with two or three other instances in 23 years, but I do not at all attribute it to holding the court in the house where I hold it, for the whole town is covered with public-houses; very few pay for licenses, and they prefer going to unlicensed houses.

3471. Are there many unlicensed houses in your country?—Very lately there has not been, since the illicit distillation was put down by lowering the duty; but there are some.

3472. Do you pay any rent for the room in the public-house at Carra Castle?—No.

3473. Nor in Ballyhaunis?—No; the house at Ballyhaunis belongs to my own bailiff, and he gives it to me as a matter of favour.

3474. I suppose the keepers of those houses conceive it brings them good custom?—In Ballyhaunis it does not bring much; I am sure it does in Carra Castle, because there is but one house in the place.

3475. Mr. *Villiers Stuart.*] Have you many cases of wages brought before you?—We do not allow them to appear, provided they are such as can be recovered before the petty sessions; perhaps in 100 instances there may be one which a person has allowed to be due beyond the period for which the magistrates have jurisdiction. I always discountenance it, and send them to the petty sessions.

3476. *Chairman.*] The proceeding at the petty sessions is much cheaper than at your court?—I believe it is 6 *d.* for a summons, and 2 *s.* for a decree.

3477. Mr. *Vesey.*] You discountenance it with a view of saving them expense?—Yes; I should think it dishonest on my part to encourage them in my court, when they can get much cheaper redress, that is, simply for wages and trespass.

3478. I think you stated some time back in the couse of your evidence, that you left processes signed in blank with certain parties in the three different places where you hold your manor court, for the convenience of the public?—I always do.

3479. Are the persons who have the charge of those processes sufficiently acquainted with your jurisdiction, never to issue a process beyond the limits of your jurisdiction?—The parties calling for the process fill them up themselves.

3480. Did it ever happen that they filled up a process in a case which was beyond your jurisdiction?—In some few instances; I cannot bring my recollection to state any particular one; they are so well aware of it that it is not very likely to occur. In some cases a person having a note for a sum of money above 10 *l.*, may split the sum, in order to bring the action; but that has not occurred very often; I mean making a note for 15 *l.* pass for two 7 *l.* 10 *s.* notes.

3481. *Chairman.*] Are the seneschals in your part of the country generally in the same class of life as yourself?—I consider myself the humblest of them.

3482. Are they magistrates?—In my county, the oldest magistrate and one of the wealthiest men in the country, is the seneschal of Westport; he is a man of great business, vast wealth, and a grand juror of the county; the other is also a grand juror of the county and a magistrate; I mean Mr. O'Mally, of Castlebar; and I am the third. I believe there are but three seneschals in the county of Mayo.

3483. Who was your predecessor in the office of seneschal?—My father.

3484. Was there not another immediately before you?—No; it was after my father's resignation I got the appointment. He did not resign in my favour, for he had a great objection to my taking the situation.

3485. How long did your father hold the office of seneschal?—Several years; I cannot state the exact number.

3486. When

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3486. When your father resigned the office of seneschal, did you apply for it yourself?—I did not.

3487. Were you solicited to take it by the lord of the manor?—He presented it to me; I did not decline it and I did not solicit it, nor can I say that he solicited me. Lord Dillon gave it to me in the presence of two gentlemen who had made a vast deal of interest to obtain the office; one gentleman was a tenant to the amount of 500 *l.* a year upon his lordship's own estate, and who had requested to be appointed.

3488. Mr. *Vesey.*] Then do you conceive the emoluments of the office of seneschal are sufficient to induce persons of respectability and fully competent to accept that office?—As to respectability, there are so many ways of judging of it, that it is difficult to answer; some judge by property, some by habits of life, or education. Such is the situation of many young men, and some old ones, too, in Ireland, that a situation offering a small emolument of 20*l.*, or 30*l.*, or 40*l.* a year is a great object.

3489. Do you conceive there would be any difficulty generally, in finding persons of respectability to take the office of seneschal?—Not the least; there are not two more independent in the county of Mayo, than the two gentlemen I have mentioned. My seneschalship is worth 100*l.* a year, and having about 300*l.* from the church, the seneschalship is a great object; but as to judging of the eligibility of gentlemen to fill the situation, the last qualification in Ireland which should be looked to is the pecuniary one; at least in my part of the country.

3490. Do you conceive a property qualification, in itself, would be sufficient to ensure the respectability and fitness of the seneschal?—Certainly not.

3491. Do you conceive, that, if to that property qualification is superadded the necessity of the seneschal having been a magistrate for a great number of years, that would tend to secure his respectability?—I think it would; improper persons are seldom, if ever, appointed magistrates.

3492. The lord of the manor, at present, is not directly responsible in any way for the appointment of seneschal?—I do not know; the seneschal is accountable for his acts, but whether the lord of the manor is responsible, I do not know.

3493. Have you ever heard of a case in which legal responsibility has been brought to affect the lord of the manor for the appointment of seneschal?—Never.

3494. And does not his responsibility, in fact, consist in this, that he is an extensive proprietor within the manor, and that he has, on that account, an interest in the condition of the tenantry under him?—In those cases I spoke of I am sure the lord of the manor has acted with the view of having the interests of his tenantry protected, by appointing men he considered were efficient, capable of performing the duties with correctness.

3495. Do you conceive that the existence of a court for the recovery of small debts is of great importance to the district with which you are connected, and to every other district similarly circumstanced?—I think it is a very great convenience.

3496. How far off is the barrister's court for the district held?—He holds his court alternately in two places in the county for that district; in the nearer of the two, it is 22 miles, I should suppose, from the most distant part of the district, and in the other court it is 42 Irish miles.

3497. What are the two places?—Claremorris and Ballinrobe.

3498. Then yours is in the southern district of the county?—In the south-east.

3499. The sessions are held twice a year in each of those towns, for that division of the county?—Yes.

3500. Since the Act of last session, has any application been made for more frequent sessions in those places?—There has, and it has been granted in Mayo.

3501. How often are the sessions to be held in Clare?—The number in Clare and Ballinrobe has not been increased, but Swinford has been added.

3502. How often are they to be held at Swinford?—I cannot say; I suppose twice a year.

3503. Is Swinford in your district?—No.

3504. Then

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3504. Then that does not inconvenience your district?—Not in the least.

3505. How far is Swinford from any part of your manor?—Within a mile and a half of it; a person living near Swinford would have 40 miles to go to the barrister's court.

3506. *Chairman.*] If the civil bill court, at quarter sessions, were more conveniently situated in point of locality, would there then be another objection in consequence of the infrequency of the times at which it is held?—There would, of course.

3507. Supposing it were held four times a year in a convenient place, would that be often enough for the recovery of small debts, supposing no manor court to exist?—I rather think, when they came into the habit of it, it would become satisfactory. A man, in making a bargain, would naturally conclude that he would not be paid until the approach of the quarter sessions, and I think bargains would be made with that view.

3508. In fact, in the three places where you hold your manor courts, are they held about quarterly?—About once a month in Ballaghadereen; in the month succeeding at Ballyhaunis, and the next month at Carra Castle, and so on; but all these places are within eight miles of each other, that is, there are two six miles and one 12 miles.

3509. Suppose a person to be living on the other side of Ballaghadereen, what distance would he have to go?—It depends upon where the court is held; these places are at the extreme points of a triangle.

3510. So that, in order to obtain a central point, you take the three extreme points?—I think it is the most convenient arrangement; persons living in the centre of the triangle have nearly equal distances to go.

3511. Mr. *Villiers Stuart.*] Do you find that persons come from all parts of the manor to the town where you hold your court?—Indeed they do.

3512. *Chairman.*] Is the general working of the manor court in the manor of Castlemore generally satisfactory to the inhabitants of the district?—Perfectly so.

3513. Is there anything upon that subject you wish to state to the Committee?—I wish to state that, after I received a summons to appear here, I wrote to Lord Dillon's representative, Mr. Strickland, of Loughglyn House, an English gentleman, who has been resident in that part of Ireland for the last 19 years; learning there were allegations against me, of which I did not know the nature, sent to the Committee, and that I might have something to build almost a character upon; and I beg to hand in Mr. Strickland's reply to my letter.

[*The same was delivered in and read, and was as follows:*]

"My dear Sir,

"I will endeavour to reply to your request that I would state to you my opinion of the operation and effects of the manor courts in this district. You know that I have not been in the habit of attending the courts, so as to be any judge of the details of the business, but of its general effect among the people no one can have a better opportunity of forming an opinion. In this district the utility of a manor court may be more evident than in other parts of the country, owing to a distance of 30 or 40 Irish miles from a quarter sessions town, which almost precludes the people from access to justice in all cases of small amount in value. But independently of that local circumstance, it is a great benefit to the people to be able, within a week or fortnight, to obtain redress for any of those frequent petty injuries which a rude dense population, constantly struggling against poverty, are in the habit of inflicting on each other; and it must be remembered that those injuries or debts, though to persons at a distance they may appear trifling in amount, or trivial in their nature, are of vital importance to the persons concerned. You know that a very large portion of my time since I came to this country has been employed in hearing and settling differences of this nature among the people living within the range of jurisdiction of the manor court in which you preside. With every wish to spare the parties the time and expense of litigation, I continually find cases which it is impossible for any individual living remote from the parties, either in distance or in station or habit of life, fully to enter into or comprehend; in all such I am in the habit of sending them to the manor court, where a jury will decide, composed of men but little raised above themselves, living among them, knowing intimately all their local actions, their necessities, or the prejudices that

that influence their actions. I believe that by such juries, though they are not exempt at times from the charge of partiality, more effectual justice is obtained than could be done by any other means; and I have very seldom seen any reluctance on the part of the people in being referred to the manor court, except on the score of expense. It has always appeared to me that the benefit of the court would be very much extended if the expense of the initiatory steps was diminished; a loss which might be compensated by increasing the charge on the decree, so as to make the weight fall entirely on the wrongdoer. You know that I have at times begged of you to revise cases where it was alleged injustice had been done; and I do not recollect any which did not turn out to be the mere pertinacity of a disappointed defendant. I am quite satisfied that nothing can tend more to preservation of peace and good will among a rural population than the leaving all those minor cases of difference to be settled by juries selected among themselves; besides the immense advantage of a prompt immediate remedy, there is a satisfaction beyond the power of gainsay in the decision of a jury of neighbours, which no other form of justice could conduce. Speaking therefore, generally, I consider a manor court as a most valuable institution: as to yours in particular, in the course of the 19 years I have been among you, no substantial complaint has ever been brought before me, and as the representative of the lord of the manor, surrounded as I am by crowds of the people of all classes, I am confident, if there had been any just cause of complaint against the administration of the court, it must have reached me; but, on the contrary, the impression has always been strong on my mind, and you must permit me to take this opportunity of telling you, that the business of that court has been conducted by you in a manner very creditable to yourself and beneficial to the people. I am sure you will enjoy your journey to England at this season. With every best wish for your speedy return,

"I remain, &c.

"The Rev. J. Seymour." "*W. Strickland.*"

3514. In Mr. Strickland's letter, he states the jury who preside in the court are composed of men but little raised above the general class of suitors; is that exactly the case in general?—The majority of them, perhaps, are not much raised above the suitors, but there are generally upon the jury three or four or five persons far above the remainder; I have very frequently such persons; generally my foreman, and three or four others, are very respectable people: I associate with them.

3515. Mr. *Vesey.*] You say you are generally present at their deliberations?—I may say always.

3516. Do you hear them converse during their deliberations?—I do.

3517. Do those three or four persons, who are of a much higher class in life than the other jurors, generally lead their deliberations?—Indeed they do not.

3518. In the deliberations of the jury, each juror, no matter how humble he may be, has a voice, and if he takes a strong view and a just view of one part of the case, he has as much influence in leading the jury as a person of a higher class?—Most distinctly; I may say I never witnessed it otherwise.

3519. *Chairman.*] Mr. Strickland also makes a suggestion, that the expenses might be diminished in the initiatory steps; what do you think of the policy of that suggestion?—The expenses of the initiatory steps are, 1*s.* for the process and 6*d.* for the service: I differ from him in that; the barrister's initiatory expenses are but 1*d.* and 6*d.*, but the barrister's processes are not signed; they do not require his signature or the signature of any officer of his court; they merely attach the name of an attorney generally practising.

3520. Mr. *Villiers Stuart.*] Mr. Strickland also refers to the revision of cases, have you ever had occasion to revise cases?—I never did; I could not do it: I believe what he means is, that they go to him and say they have been wronged, and he hears the case. He has been always very good-natured, and he sends me the allegations, and upon explanation they appear to be all futile.

Martis, 13° *die Junii*, 1837.

MEMBERS PRESENT.

Mr. Bridgman.	Mr. Morgan John O'Connell.
Mr. Hamilton.	Mr. Villiers Stuart.
Mr. Jephson.	Mr. Emerson Tennent.
Mr. Lucas.	Mr. Vesey.

MORGAN JOHN O'CONNELL, ESQ., IN THE CHAIR.

Mr. *Thomas Davidson*, called in; and further Examined.

Mr. *T. Davidson.*

13 June 1837.

3521. *Chairman.*] HAVE you any addition to make to your former answers to question 2224 and the following question?—The answer I wish to put in to 2224 is: It may otherwise, I conceive, be accounted for. Many of the manor courts, for instance, have only a 40*s.* jurisdiction, so that all actions above that sum would necessarily go to the barrister's court, even where a manor court was held. In the large and populous market-town of Ballymena there is a manor court, but its jurisdiction is limited to 40*s.*; the seneschal of that manor is a county magistrate, and two other manor courts immediately adjoining have a similar limited pecuniary jurisdiction; but the main and principal cause I conceive to be the unrestricted power of appeal that exists from decrees of the manor courts, and which, in the present imperfect state of the law as regards manor court appeals, gives facilities to persons when decreed to evade the execution of those decrees, by entering into a kind of fictitious bail-bond, whereby execution is stayed, and the plaintiff kept back from the recovery of a just debt, often for a very considerable period. This cannot occur at the court of quarter sessions; the law requiring, before an appeal can be had from the assistant-barrister's decree, that the attorney in the cause must either make affidavit that he considers "there is reasonable ground for appeal," or the party appealing must lodge the sum in which he has been decreed in the hands of the sheriff, to await the final decision of the case by the judge of assize. That is the answer I wish to put in to that question. As to the next question 2225, the answer I wish to put in is: The districts in the county of Antrim are, generally speaking, almost all manufacturing and trading districts, and will, from their nature, give rise to numerous civil actions, many of which, as I have already stated, may be beyond the jurisdiction of the local court. The barristers' courts afford also the aid of practising professional men, and which, in litigated cases between parties, may be deemed serviceable; to this may be added the too great facilities of appeal allowed from the manor courts, to which I have before alluded, and which, I conceive, more than any other cause, tends to interfere with the utility of those courts. Those are the only alterations which I wish to add; I made alterations otherwise, but they are mere alterations, not affecting the sense.

Gerard O'Connor, Esq., called in; and Examined.

G. *O'Connor*, Esq.

3522. *Chairman.*] WHERE do you reside?—At Ballysheen.

3523. In what county?—Kerry.

3524. Is your residence within any manor?—The manor of Johnstown O'Dorney.

3525. Have you ever attended at the courts of that manor?—A few times.

3526. Have you ever been summoned as a juror there?—Very frequently summoned, but very rarely attended, because I have always had an objection to attend.

3527. Is the manor an extensive one?—No.

3528. Are you aware how many townlands are within this manor?—No extends, I am satisfied, only over part of Lord Glandore's property; it is now Mr. Crosby's property.

3529. Is

3529. Is the manor all the estate of one proprietor?—I think so.

3530. Where is the court for that manor held?—In the village of Johnstown O'Dorney.

3531. Is it held in a regular court-house, or in what sort of house?—During Mr. Tidmarsh's seneschalship it was held in a small house in the village, which I believe to have been an unlicensed public-house; I know whiskey was sold there; I am almost satisfied it was not a licensed house, but however I cannot say positively.

3532. How long ago was that?—It is above six years ago.

3533. Since, where has it been held?—It has also been held on one occasion, at which I was present, in a licensed public-house in the village.

3534. Where is it now held?—It is now held at Mr. Rice's, who is the present seneschal; and he holds it in his own house, which is a licensed public-house.

3535. The seneschal is a keeper of a public-house?—Yes.

3536. How long has he held the office?—I cannot state particularly the time; I know his predecessor was one of the first victims of the cholera in Kerry. Mr. Quill was the predecessor to the present seneschal.

3537. Then you are not able to state how long it is since the present seneschal was appointed to the office?—Not exactly.

3538. Was he at the time of his appointment in the same situation he now is; the same business?—Yes.

3539. Is he a man in solvent circumstances?—He has always been considered very much so.

3540. Is he a large farmer?—Very large.

3541. Is he a 50*l.* freeholder of the county?—I am satisfied he is, or at least may be.

3542. Mr. *Villiers Stuart.*] Who is the lord of the manor?—Mr. Crosby is the present proprietor of the soil, but he is a minor.

3543. *Chairman.*] The proprietor of the soil and lord of the manor are one and the same person?—Yes.

3544. Mr. *Villiers Stuart.*] Has the appointment taken place since the death of the late Mr. Crosby?—Yes.

3545. *Chairman.*] The seneschals who preceded the present one, in what class of life were they?—The two seneschals whom I know to have preceded the present were respectable men; one was Mr. Tidmarsh, the other Mr. Quill.

3546. Were they in any business?—No.

3547. Were they gentlemen farmers, or anything in that class of life?—They were of the most respectable of that class.

3548. Mr. *Villiers Stuart.*] Do you know, when the office fell vacant, if there were many candidates for it?—I cannot state that of my own knowledge.

3549. *Chairman.*] Were these gentlemen, Mr. Tidmarsh and Mr. Quill, tenants upon the estate of the lord of the manor?—They were.

3550. Is Mr. Rice a tenant upon the estate of the lord of the manor?—Yes, he holds under a middle-man in one farm, and is also on another farm the immediate tenant.

3551. How often are the courts held?—Once in three weeks.

3552. You stated that you have sometimes attended there as juror?—During the seneschalship of Mr. Tidmarsh and Mr. Quill I have, when they made a particular request each, on two or three occasions.

3553. Am I to understand from you, latterly you have desisted attending, although summoned?—I have refused to attend latterly.

3554. Have you ever been fined, or has any attempt been made to inflict a fine for non-attendance?—I have not been fined, nor have I ever heard that an attempt was made to fine me.

3555. Have you ever heard of any person summoned as a juror being fined for non-attendance?—I have never heard of it.

3556. Mr. *Villiers Stuart.*] Were you summoned as a tenant of the manor?—I should suppose so; my mother lives within the manor, and I live with my mother.

3557. *Chairman.*] You are yourself an occupant of land from the manor?—No.

3558. Do you derive land under them?—My family does.

 3559. You

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3559. You have been a resident?—Yes.

3560. You stated, when you formerly attended, you did so at a particular request?—Yes, it was merely as a favour I did attend.

3561. Were the two previous seneschals personal friends of yours?—They were.

3562. And neighbours?—Yes.

3563. Independent of that attendance being looked on by them as a favour, and so given by you, should you of yourself have wished to attend the court?—I should not; I had a direct disinclination to attend.

3564. Of what class of persons are, in general, the jurors in those courts composed?—Small farmers.

3565. Are the inhabitants of the village of O'Dorney, or any of them, summoned as jurors?—I do not know any person living in the village to be summoned as a juror; they are all exceedingly poor in the village; but persons residing in the village do attend in the absence of jurors who are summoned and do not attend. In the case of such absence, the bailiff is sent out to see if he can find any person that may attend; and persons are picked up in this way.

3566. Mr. *Villiers Stuart.*] Are the jurors generally formed of such persons, or is there generally a good attendance of those that are summoned?—No, the extent is limited; the farmers who are summoned are not always willing to attend, as it must be an inconvenience to them to be absent from their business, and it is on that account, I am sure, they often absent themselves; and in this case the bailiff is sent out to see if he can find any person who may attend, and he succeeds sometimes; I believe always.

3567. *Chairman.*] Have you ever known the court to be adjourned for want of a sufficient attendance of jurors?—No.

3568. Can you state in general whether it was a usual thing, at each court day, that these persons are sought for on the spot, in consequence of a sufficient number of those who are summoned not having attended?—Yes.

3569. Can you state what was the average proportion of persons so put on the jury, in proportion to the number of persons summoned?—I have been present so few times that I cannot state very accurately; but on those occasions I have attended I have seen two and three persons called in who were not summoned.

3570. How long is it since you yourself last served as a juror in that court?—Not since the seneschalship of Mr. Quill, which I should suppose was four or five years ago.

3571. Mr. *Villiers Stuart.*] Is the attendance worse now than it used to be during the time that Mr. Quill or the other seneschal were there?—I do not think so.

3572. *Chairman.*] The motives that induced you to attend in his time, and which have ceased since the seneschalship has been filled by another, do they affect others to the same extent as yourself?—I should say not.

3573. Independent of your attendance as a juror, have you been often present at the proceedings of the court?—I have been present a few times, when I did not attend as juror.

3574. Have you been present since it has been held in the house where it is at present held?—No.

3575. Are you acquainted with the general nature of the practice and proceedings of the court?—I am rather so.

3576. By common report, as well as from your own observations on such occasions?—Yes.

3577. Were the proceedings generally conducted in a decorous and orderly manner?—Not always.

3578. Were they ever?—I consider it was impossible to have done so in the absence of police constables; and considering the description of persons who attended as evidence, and no check being upon them, proceedings did occur which were very disorderly.

3579. Mr. *Villiers Stuart.*] Do you speak of the present moment?—I speak of what I have witnessed; I have not attended during the seneschalship of the present seneschal.

3580. *Chairman.*] The previous seneschals, though persons of respectable character, in a respectable class of life, were they persons of legal education?—No.

3581. Were they persons whom you should say were qualified by their habits of life to decide suits, to preside in a court of law with a jury to decide suits?—One was a very old gentleman when I knew him, about 80 years of age; his successor,

cessor, Mr. Quill, was very deaf, but he was a very honourable man, and disposed, I am satisfied, to do his duty honourably and well.

3582. Was there in the place where the court was held sufficient room to accommodate the suitors and the jury?—Indeed, scarcely; it was a small room, less than half the size of this.

3583. Are the jury kept separate and apart from the rest of the public?—They endeavour to sit together as closely as possible, but there was no division in the house, no box or anything of that kind.

3584. Was there a table or anything of that sort separating the jury?—I rather think on one occasion there was a table, but on another I am not satisfied there was.

3585. Mr. *Vesey.*] Had the jury any place to retire to when they deliberated?—In one of the houses they had, and in the other they had not.

3586. When they deliberated in the court, did any of the persons in the court interfere with them during the deliberation?—No; the persons in the court were requested to retire when the jury thought proper to deliberate.

3587. When you stated there were disorderly proceedings in the court, this was not during the time the jury were deliberating?—No.

3588. Did you conceive this disorderly proceeding was such as to interrupt the business of the court?—Certainly.

3589. Will you state in what way?—I recollect, in the case of an individual giving evidence, either the plaintiff or defendant, I do not exactly remember which, interrupted the witness, and said that the witness was giving false testimony, and prayed a most dreadful imprecation upon the head of whoever was telling an untruth, and continued in that strain for some time. The person causing this interruption was repeatedly requested by the jury and the seneschal to desist.

3590. Did the seneschal attempt to enforce order in the court?—Yes; he expressed a wish that order should be preserved.

3591. Not in a peremptory manner; not in such a manner as if he had the power of enforcing it?—Why, he had no policemen to put the person out; and unless the person giving interruption was disposed to do as he desired, I did not see any means of enforcing it.

3592. Have you ever known any other, besides in that one instance, have you ever witnessed or heard of any other proceeding so atrocious as that?—Not so gross as that.

3593. You stated that the present court is held in a public-house, by the keeper of a public-house?—I have not been in the court, but I have heard it from those who have attended as jurors and as suitors.

3594. That it is held in a public-house?—Yes.

3595. Have you ever heard any instance of an inconvenience arising from that?—No, not any particular inconvenience. I should not wish to attend there, it being a public-house; and if you ask whether that is inconvenience, I must say, in that point of view, it is a great inconvenience; but I cannot say other jurors do consider it inconvenient.

3596. Will you state on what ground you object to attend at a public-house as a juror, more than in any other place?—I should consider no court respectable that is held in a public-house.

3597. Do you conceive that being in a public-house, you could not deliberate as a juror, and act as properly as a juror, as in any other place?—I think I might.

3598. Do you think there would be such proceedings in a public-house as would interrupt you in your deliberations?—I think there might, or might not.

3599. Do you think that interruptions are more likely to arise in a public-house than in any other place?—I should not go so far as to say that.

3600. Mr. *Villiers Stuart.*] Does your feeling in that respect arise in any measure from your considering that the seneschal being himself a publican, rendered the court less respectable?—It would depend a great deal on the qualifications of the seneschal, and his habits in life; he may keep a public-house and be a respectable and sober person, or he may be the contrary.

3601. Still, would you not think he is liable to suspicion, and at any rate that publicans are in the habit of giving credit, for instance, to parties; and that his judgment might be influenced in some measure by those circumstances?—I never thought that.

3602. I do not speak of this gentleman's case; but I ask you the question, whether

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whether you do not think that every judge should be as far as possible from suspicion?—I think he ought.

3603. And that it is more likely that a person in the situation of a publican should be liable to suspicion, than one who is not in such a situation?—I do not know that.

3604. *Chairman.*] The house in which this court is held is rather of a respectable class of public-houses?—Certainly, considering the place in which it is, a miserable village.

3605. Is it of a much better sort than are usually found in villages of that size?—Yes, a great deal more comfortable.

3606. Mr. *Vesey.*] In fact, is the room where the court is held ever used for drinking?—I must beg leave to remind you I have not been in this court.

3607. Have you ever heard of it being so used during the time of the sitting of the court?—I am satisfied that it has not.

3608. *Chairman.*] Are there any other manor courts held in your neighbourhood?—There is another manor court held within three Irish miles of the one we spoke of, the manor of Ardfert.

3609. Is there any one besides the manor of Ardfert in the neighbourhood?—There is one in Lixnaw.

3610. The seneschal of the latter is a professional gentleman and attorney, is he not?—Yes.

3611. Is the seneschal of Ardfert a professional person?—No; he is son to the seneschal of O'Dorney.

3612. The present seneschal?—Yes.

3613. Is he in any business?—No.

3614. Has he any other occupation in life but the profits of the seneschalship?—He has the profits arising from farming, and he is a contractor for the repairs of a road.

3615. Are the class of persons from whom seneschals are chosen in that part of the country generally much superior to the class in life to which the seneschal of O'Dorney belongs?—Why, the seneschal of Lixnaw is a professional gentleman, and a respectable person; the predecessor of the present seneschal of Ardfert was son to Mr. Tidmarsh, the seneschal of O'Dorney, that I was speaking of before. Within the manors of O'Dorney and Ardfert there are no respectable persons living.

3616. No persons who are magistrates?—No.

3617. Did it, in point of fact, excite any surprise that a person in the business which this present seneschal of O'Dorney follows should be appointed to that office?—No, not the least.

3618. What are the peculiar jurisdictions of those three courts, do you know?—I do not know exactly.

3619. Is it not 40 *s.*?—It is more, I believe.

3620. Have you ever attended the other courts in your neighbourhood?—I was in the Ardfert court once.

3621. Was that a well-conducted and orderly court?—It was held in a public-house, but the room was detached from the part of the house in which the people drank.

3622. Mr. *Villiers Stuart.*] Was the present seneschal of O'Dorney a public-house keeper at the time he was appointed, or has he become one since?—He was, and for many years before.

3623. *Chairman.*] Have you ever observed any of the suitors or persons in the court in a state of intoxication?—No.

3624. Not even the suitors or witnesses?—I do not remember that I ever did; I have heard of it often, although I did not see it.

3625. Have you any knowledge of the kind of suits that are generally brought in those courts?—They are generally for small sums, and very often arise out of a spirit of litigation.

3626. What is the nature of the suits?—They sometimes are for trespasses and various other things; sometimes for rent of a score garden, and sometimes for turbary.

3627. Are there any actions brought on what are called "time bargains"?—Yes.

3628. Bargains for provisions between the smaller farmers and the labourers?—Yes.

3629. Are there not frequently very usurious rates of profit charged by those who deal in provisions on what are called "time bargains"?—Exceedingly so.

3630. Have

3630. Have you found that an usurious spirit was much favoured in those courts?—I cannot say.

3631. Do you find that the seneschals in general (I speak of those with whom you are acquainted) and the juries made a fair distinction as to the legitimate rate of profit that a party might charge?—I have not been present at any of those cases.

3632. Have you ever witnessed any case brought into those courts which, in your opinion, would not have been entertained before a person of more legal knowledge?—I recollect myself being greatly puzzled, having an opinion on a particular case that I considered to be the law of the case; and the jury being disposed to take an equity view of the case, I found it a difficult one to dispose of to my entire satisfaction.

3633. Were you on the jury yourself?—I was.

3634. Mr. *Villiers Stuart.*] Was the law explained to you by the seneschal?—He did not know it.

3635. What court do you speak of?—Mr. Tidmarsh's court.

3636. *Chairman.*] Were you long in deliberation on that occasion?—Yes, for some time.

3637. How did it turn out; did you strike to the rest of the jury or they to you?—I found the jury in the few times I attended generally disposed to attend to any suggestion of mine.

3638. Did they on this occasion do so?—We agreed on the occasion.

3639. Were the rest of the jury convinced that you were right, or were you convinced that they were right?—I do not mean to say that we exactly differed in opinion; what I meant to convey was, that it took a good deal of time to consider and turn the thing over: we ultimately agreed.

3640. Mr. *Villiers Stuart.*] Who gained the day, the equity or the law?—We all agreed in taking an equity view of the question; I cannot say that we were satisfied there was a positive law against it, but we had some doubts as to the law, and we had no person to enlighten us as to the point of law.

3641. *Chairman.*] Then it was merely a doubt upon your mind whether the equity of the case was not in the particular instance counteracted by a principle of law?—Yes, precisely.

3642. Are the costs high in those courts that you are acquainted with?—I must state, on the information of persons who have been suitors in the court, who have repeatedly told me what the costs were, that the cost of a process was 1 *s.*; for filling and serving, 9 *d.*; entrance 1 *s.*, and a decree 5 *s.* or 5 *s.* 6 *d.*

3643. Mr. *Villiers Stuart.*] The whole of these sums amount to 8 *s.* 3 *d.*; do you mean that the costs of a suit in that court amount to 8 *s.* 3 *d.*?—I do not know the aggregate amount, but these are the particular items that suitors in the court told me they paid.

3644. *Chairman.*] Did the party tell you he had to pay all those in the same case?—Yes, the plaintiff paid all those in the first instance. I understood from those persons, besides the 5 *s.* 6 *d.*, they paid the other sums I stated, and the defendant, in case of decree, paid the entire.

3645. Mr. *Bridgman.*] Have the costs been complained of in the country as being too high?—Yes, most generally.

3646. Mr. *Villiers Stuart.*] Are the costs the same in all the three courts?—Of the *three* courts I do not know, but I am satisfied they are the same in *two* courts, in the Ardfert court and in the O'Dorney.

3647. Mr. *Bridgman.*] You said that you had a particular objection to serve on the juries since they sat at a public-house?—I did not say "*since*," because it was most generally in a public-house; but I had always a particular objection to serve in the court.

3648. Do you imagine that any respectable person would serve as a juror in a public-house?—I consider that a respectable person would have an objection to attend a manor court in a public-house, or any manor court constituted as the manor courts in my neighbourhood are.

3649. Mr. *Villiers Stuart.*] Can you state the average number of cases that are brought before the seneschal of O'Dorney every day?—During Mr. Tidmarsh's time there were exceedingly few; he did not sit till a very late hour in the afternoon, in the hope that persons would arrange their differences; he always showed the most liberal spirit in that respect, and consequently there was very little done in his court.

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3650. Is that the case with the present court?—I understand that there is a great deal more business done now.

3651. *Chairman.*] Do you think that the character and utility of the courts would be much improved, if it were made imperative that the seneschal should be appointed from a more respectable class?—Unquestionably; but I should think that in all cases the seneschal should be a barrister, for this very reason, that in a case where an individual of a jury may happen to know something of the law, and take a legal view of the question, and the other 11 jurors should be ignorant of the law, as is most likely in such a neighbourhood as I live in, it is exceedingly desirable that the president of the court should be competent to enlighten the jury by an exposition of the law.

3652. Would not that be still more necessary where the whole 12 of the jury happened to be ignorant of the law?—In one point of view it would, in another it would not. I will suppose that A. sues B. for a certain sum; one individual member of the jury takes a legal view of the question, and his view of the question favours the case of A.; the 11 other jurors take an equity view of the question; consequently the jury cannot agree; the court then must be broken up, so far as that question is involved, and the fact of their disagreeing must induce an inquiry as to the cause of the disagreement; and then I will suppose the next court day the same case comes on again, and the 12 jurors in the second instance happen to agree, and the individual nonsuited, finding by the disagreement of the previous jury that he had the law on his side, he naturally will appeal to the assizes, and the judge of assize repeals the decree obtained; A. then not only loses the sum he sued for, but also is saddled with additional costs: therefore, I should think, under all the circumstances of the case, that the president should be a barrister, as his exposition of the law in the first instance would, in all probability, have prevented further litigation.

3653. Supposing a seneschal of respectability, and a person having a knowledge of the law was appointed, do you not consider it very desirable that the class of jurors should be improved?—If there were a possibility of it; but in some cases there hardly is, with this exception, that the attendance of the most respectable persons in the manor may be enforced, which is not the case at present; but in rural districts I think such courts generally worse than a nuisance, and I think it perfectly impossible to find a jury sufficiently intelligent in the manors with which I am acquainted.

3654. The manors with which you are acquainted are in general of small extent?—They are indeed.

3655. And do not among themselves comprise a sufficient population in fact to enable a person to form a respectable jurors' list?—Not a sufficient number of enlightened and intelligent persons; for instance, many of the jurors I know who attend that court hardly ever read a book; some of them can write their names and some not.

3656. Does not the want of power to compel the attendance of the most respectable inhabitants of the manor, does not that of itself tend to throw the business of the court into the hands of jurors of a lower class?—I do not know that the present seneschals think that they want the power; I have sometimes heard them boast of their power, so that I do not think they act under a feeling of not possessing sufficient power to enforce the attendance of the jurors.

3657. Do not jurors, as in your own case, refuse or decline to attend, knowing that the seneschals have not the power to enforce their attendance?—I know their opinion is, that seneschals do possess the power of enforcing their attendance, but they calculate on the indulgence of the seneschal.

3658. Mr. *Lucas.*] How would you propose to remunerate barristers for these courts?—I have not turned that in my mind.

3659. You stated that it would be desirable that barristers should be the parties to preside over these courts; how would you propose to induce barristers to take the jurisdiction over these courts?—I have said I did not turn the subject in my mind; but I would say it were better for the public to have justice at a dear rate, than to have a mockery of justice at a cheap rate. In rural districts, where there is no trade nor commerce, where there are not many mechanics employed, if that district be a division of a county where general quarter sessions are held four times in the year, in such districts I think manor courts worse than a nuisance—a very great oppression.

3660. *Chairman.*]

3660. *Chairman.*] In point of fact, is not the district in which you live tolerably well supplied with regard to the convenience of quarter sessions?—I think so.

3661. The old division of the county has been lately divided into two?—Yes.

3662. How far is O'Dorney to the quarter sessions town?—Unfortunately, the division that has taken place in that quarter of Kerry has, so far from bringing justice home to the doors of some, taken it a great deal farther from their doors.

3663. How far is it?—About 10 miles.

3664. Ten English miles?—About 10 miles; I do not know whether English or Irish.

3665. However, though the place is more distant by a few miles than the old quarter sessions town, the extent of the district is diminished to the amount of one-half?—Yes.

3666. There are quarter sessions held four times a year in Listowel?—Yes.

3667. Within the distance of 10 miles?—Yes.

3668. Mr. *Villiers Stuart.*] Do you think there is a preference in that part of the country to the assistant barrister's court, instead of going to the manor court?—I think there are several cases that come into the manor court which would never come into the quarter sessions court, for this reason; if a suitor be a person of litigious habits, he has a greater facility of effecting his object in the manor court, before a seneschal of no legal education and an ignorant jury, than he would at a quarter sessions court, where a barrister presides, and where he will have to undergo the examination of a gentleman of legal habits.

3669. Parties influenced by such feeling, I should presume, are rather an exception to the rule; that is not the general feeling of the country in that neighbourhood. I wish to know from you, whether, among the respectable classes, there is a feeling more in favour of the barrister's court than in favour of the manor court?—I should suppose so, from the great preponderance of business at the quarter sessions over that of the manor courts.

3670. Do you think that parties are in the habit of having recourse to the assistant barrister's court, who reside in the manor of which you have spoken?—Certainly.

3671. Though they had the opportunity of having recourse within a very short period to a court close to their homes, they preferred going a little distance to the assistant-barrister's court?—They certainly do.

3672. Mr. *Lucas.*] To what circumstances do you attribute their preference of the quarter sessions court to the manor court, when the manor court is nearer to them, and is held more frequently?—Why, I must say, I have often been at a loss to know the reason; I could not take upon me to say.

3673. If the manor court was conducted under a good system, with a seneschal who knew his duty, do you think they would have the same preference for the quarter sessions court which they now have?—I do not think they would.

3674. You think they would prefer the manor court, if it was in all respects properly conducted?—I should say the very fact of the principle of trial by jury being involved in the manor court, in my humble opinion, would be the strongest inducement to any rational person to seek justice in such a court, if the individual presiding over it were a man of legal attainments and excellent character.

3675. Do you think it would, on the whole, be a convenience to the neighbourhood, to have a well-conducted manor court sitting at short periods?—In point of convenience, it would to some classes; but it would often be a very great oppression to the poor, because the poor, from necessity, are obliged to contract debts, and promise an usurious interest; and if those persons were immediately called on, at least so frequently called on, for the payment of those debts, it must press heavily on them. I shall instance a case to bear me out in this. In a conversation which I had some time ago with a very respectable Catholic rector in Kerry, regarding manor courts, he told me, that in the year 1822 or 1823, when provisions were exceedingly dear in Kerry, many of his parishioners waited on him, and requested that he would see the late Colonel Crosby, who was the lord of the manor, and beg of him to have his court closed during that summer and the following harvest, as they could not, under the then existing pressure arising from the scarcity of provisions, possibly exist, if the court was to continue open; and he accordingly waited upon Colonel Crosby, and to the honour of Colonel Crosby, he did close his court for that summer and harvest.

3676. Do you think the facility of recovering debts under these manor courts is too great for the comfort of the poor?—Yes, I think it presses heavily and severely on them.

3677. Supposing a poor man to be himself a creditor for wages, or for any other small debt of that kind, would it not be a convenience to him to be able speedily to recover his debt by means of the manor court?—In the case of wages, he has the petty sessions to resort to; and in any other case, if the individual he has the transaction with be not a downright cheat, it will not be necessary for him to have recouse to any court; so that the evil to the poor I consider greater than the advantage.

3678. So that you think, on the whole, it is not desirable that such frequent opportunities for the recovery of debts should exist as manor courts present?—In rural districts, I think so.

3679. Do you think that the petty sessions court, for the recovery of wages, is generally a more desirable court than the manor courts?—In one point of view, the court of petty sessions is more desirable, because it does not carry so much costs.

3680. *Chairman.*] You have stated that the petty sessions court gave a reasonable relief to the poor man for the recovery of wages?—I think so.

3681. Do the pecuniary decisions of the petty sessions generally give satisfaction?—In some cases they do; in some cases they do not.

3682. What is the general impression of the country as to the decisions?—It is very hard to form an opinion on the hearsay of several persons in the country; you cannot calculate on their stating facts, and if you form an opinion from what you hear from every person who is disposed to communicate with you, your opinion may be very erroneous, and is very often likely to be so.

3683. Mr. *Villiers Stuart.*] Are there many appeals from the magistrates at petty sessions?—I have not heard.

3684. Supposing there be a difficulty in getting a barrister to act as seneschal at these manor courts, and it is still desirable to have the assistance of a man legally brought up, do you think that the assistant barrister's court might be made available in the place of the manor courts, supposing that he were allowed to call in the assistance of a jury?—I think it would; and Mr. Murphy, the late barrister in Kerry, very often called a jury into his court.

3685. Is that the assistant-barrister's court to which you have been referring, when you said there was a great deal of business done there, in comparison with that of the manor courts?—Yes.

3686. You think the business in his court was increased by the fact of his being in the habit of calling in the assistance of a jury?—I know it tended to give a great deal of satisfaction, and the public were impressed strongly in favour of the gentleman.

3687. Do you think the public, in the neighbourhood of these manor courts, would be put to any inconvenience, if these courts were altogether removed, and the assistant barrister were to hold his court four times a year, in such convenient places as that they should not have any great distance to go to him?—I can only repeat what I said before, that in some cases it would be an inconvenience; but generally to the extreme poor, it would be a convenience; they would feel it less oppressive. The facility of recovering debts in three weeks falls heavily on the extreme poor.

3688. Do you not think the facility of recovering debts, must also increase the facility of obtaining credit?—I think so.

3689. And if you add to the difficulty in the one case, you must add to it in the other?—Yes.

3690. Can you state what the greatest time is that these small debts are allowed to run before the parties apply for redress in these courts?—It is impossible to apply anything like a general rule to it; quite impossible.

3691. For credit to be of much service to these poor people, must it at least be three months long?—In some cases it may, but in others a month would be a very great convenience.

3692. Mr. *Lucas.*] You think long credit to the poor is in some instances very serviceable?—Not extremely long credit; but some credit is often of very great service to the poor, that is, if you give credit without requiring usurious interest; but that unfortunately is not easily obtained.

3693. But the frequent sitting of these manor courts do not enable the creditor to receive the money before it is due?—Certainly not.

3694. Do you think it is not desirable that a creditor should have the opportunity of recovering his money when it is due?—I admit the principle; it is fair that

that every man should have the opportunity of recovering a debt when it becomes due.

3695. You do not desire that a poor debtor should have the means, by a delay of justice, of extending the term of his credit?—I must state, generally, in my neighbourhood, the people are extremely honest, and there are few amongst them disposed to litigate a just claim, or delay payment when they have it in their power to pay.

3696. Yet you say that you think these courts are the means of oppression to the poor, because they compel the payment of their debts too speedily?—The extreme poor.

3697. Because they compel the payment of their debts too speedily?—In such a season as this in Kerry, or a season of great scarcity, when they cannot purchase the means of existence, I say then those courts do press heavily upon them.

3698. Mr. *Bridgman.*] Do many of those men sue in these courts from vindictive motives?—I should say that such cases may arise; but I do not say they are frequent.

3699. Is not that the character of those courts; many men go in a passion, and process a man?—I should not say that is the general character of those courts.

3700. Have you many farmers who give out their goods for usurious purposes?—There are a few among us.

3701. Are not those the men who generally go to the seneschals' courts?—There are as many, and more, of the various other classes into which society in that country is divided who resort to those courts.

3702. Mr. *Vesey.*] I think you said the very poor classes found these courts a grievance?—Yes.

3703. And on the ground, that they were required to give a speedy payment by the time the money was due; and that in years of scarcity, they had not wherewithal to pay?—Yes.

3704. Would not that apply equally if they were brought into the assistant barrister's court, in years of scarcity; do you think they would have more means of repaying the sum lent, at the time the sessions court was held than when the manor court was held?—I should not say they would have more means; but I should say it is an advantage to an extremely poor person, who has not the means of purchasing the necessaries of life for himself and family; I say it is a convenience to him that he should be called on for a debt at the end of three months, rather than at the end of three weeks. There are also cases for very small sums, which the farmer would not at least be disposed to process for in the quarter sessions, because it may be some inconvenience to an independent person to go to the quarter sessions; whereas he has the manor court within a quarter of a mile of him, and he can more easily resort to this court.

3705. In the latter case, when you say the farmer would not go to the quarter sessions court for a small sum, if there was no manor court where he was likely to recover that sum, do you think he would be likely to lend that small sum?—It may not be a loan; it may arise out of the other various transactions of life.

3706. Do you think he would be likely to accommodate in any way a person with a small sum?—Yes.

3707. Even with the risk of losing it?—I do not say with the risk of losing it.

3708. Did I not understand you to say, that in the case of a small sum, he would not be inclined, from inconvenience to himself and other reasons, he would not be inclined to go to the quarter sessions court to recover that sum?—I should say he would forego the means of recovering it for a time; consequently the poorer party would have the indulgence.

3709. What time would you limit that to?—It would depend on the feeling of the person.

3710. If you say he would forego it for a time, do you not think, at the expiration of that time, whatever it might be, that he would ultimately resort to the quarter sessions court?—Yes; but in the meantime the debtor may have the means of paying it, may have acquired the means; he might have earned it; he may go from Kerry down to the neighbouring counties to dig potatoes and cut the corn, and in the meantime earn as much as would pay the debt, whereas, if he were pressed on immediately, it would not be possible for him to do so.

3711. Do you not think that the farmer would feel that he run a certain risk, in

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consequence of that longer time given, of not having that sum repaid to him?—That is a matter of entire discretion with the farmer.

3712. Do you not think it is probable that such would be the natural feeling?—No, for there is a general feeling of confidence in the poorer classes of my neighbourhood; and from the fact of their leaving their families behind them, when they resort to other counties, from the want of employment at home, it must necessarily follow that the persons giving the indulgence calculate on their return.

3713. On the matter of risk, the farmer would still be inclined to indulge the poor man with the money he required?—I do not see the actual risk.

3714. However, supposing there is a risk, he would still be inclined to do it?—In very many instances he would be inclined to give indulgence.

3715. Does not that imply there must be a kindly feeling rather on the part of the farmer towards the poorer classes in that part of the country?—I should think there generally is.

3716. Then, if that kindly feeling exists on the part of the farmer with regard to their poorer neighbours, do you think that those farmers with such feelings would be inclined to oppress the poor man by forcing him into a manor court, when that poor man could clearly prove to him that he had not the means of paying the debt?—I have already stated that there were other motives besides kindliness of feeling, which prevented or would prevent a farmer from forcing his poor neighbour to the quarter sessions court, and amongst those, the personal inconvenience consequent upon his going to the quarter sessions court, which inconvenience does not exist in the case of his going to the manor court; and he will sometimes summon to the manor court without the intention of obtaining a decree, but with a view to intimidate, when he thinks there is a hope of obtaining immediate payment.

3717. Would the farmer, with a kindly feeling existing towards his poor neighbour, be inclined to force that poor man into the manor court, if that man could prove to him that he had not the means of paying the debt so soon; I think you stated before, that, generally speaking, in your part of the country a kindly feeling did exist on the part of the farmers towards their poorer neighbours; I now ask the question, that kindly feeling now existing generally among farmers, do you think they would be inclined to force their poor neighbours into the manor court to repay a debt, where a poor man could clearly prove to him that he had not the means of doing so at the time?—I should not say he would, if he were satisfied that he had not the means of paying at the time.

3718. Then that kindly feeling existing on the part of the farmers with regard to the poorer classes, do you think that the manor court can be such a mode of grievance to the poorer classes as you seem to think?—In many instances it may: it does not follow that because many persons are disposed to act kindly towards their poorer neighbours, that all will.

3719. Did I understand you to say, that generally speaking, that was the feeling in your part of the country?—Yes; but then the poor are so circumstanced at times, that they cannot pay the debt without depriving themselves of the means of existence, and if so pressed to that degree, they may have the means of paying the debt, and lose the means of supporting their family, without going into another county to earn the means of subsistence for them.

3720. But granting that, would the farmer, where that was proved to him, generally speaking, in your part of the country, be inclined to force that poor man into the court?—I cannot take upon myself to say that: there is very little business done in the manor where I reside at all; and the answer which I gave some time ago referred more to manor courts in rural districts.

3721. *Chairman.*] In the case which you have alluded to of the manor court of Ballyheighe, that was actually upon an application founded upon the particular circumstances of distress at that period?—Yes.

3722. When the distress ceased, the court was re-opened, was it not?—I must suppose it was, for it has been opened since.

3723. Have you ever known an application for the closing of the court in any other circumstances?—I never heard of it.

3724. Does not the frequency of the holding of the court for the recovery of small debts, materially affect the quantity of credit existing in these transactions, and the pecuniary transactions of the country, and does it not affect the rate of profit which the dealers in provisions and other commodities will charge for their remuneration?—I am not prepared to say that either the seller or the buyer has the

the manor court in his mind when he is contracting any bargain; I rather think he has not. *G. O'Connor*, Esq. 13 June 1837.

3725. You have not considered that question with regard to how far the frequency of the sitting of the court affects the rate of credit?—I do not think it affects the rate of credit.

3726. *Ceteris paribus* in two districts, the court in one being held twice as often as the other, which do you think would have most credit given?—I do not think it would affect credit, from my knowledge of the people in my neighbourhood; I do not think it would influence them at all, so far as contracting debts.

3727. Do you think, if the civil bill courts were done away, that the rate of credit in the country, among the small farmers and labourers, and the small dealers in the towns, would be much affected?—Greatly.

3728. Why so; would it not be because the previously existing facility for the recovery of debts was removed?—You entirely remove the means of recovering a debt at all, because there are districts where quarter sessions are held where there is no manor court.

3729. Supposing, instead of being altogether abolished, the civil bill court now held four times a year was only to be held once a year; in that case would not credit be materially affected?—I think it must.

3730. Would not that be one consequence of the diminution of the facility of speed in the recovery of the debt?—Certainly.

3731. Then does not the facility of recovering small debts materially affect credit?—Yes; but then I consider that having a facility of recovering a debt once in three months, answers the ordinary purposes of society, that is, for all the useful purposes of credit and recovery.

3732. I want to ask you, assuming that credit is affected by the circumstance of courts being held for the facility of the recovery of debts, is there not a marked difference between the rate of credit given in a prosperous period, and the rate of credit given in a period of general distress?—Certainly.

3733. Are not the poorer classes trusted by those who deal with them, in the time of prosperity, to an extent founded on the supposition that what little means they have then will continue as good as they then are?—I think so.

3734. Until the debt becomes due?—Yes.

3735. A period of distress coming, that is no longer the case; they have no longer the same facilities to meet the demand?—It destroys all confidence in them, from a conviction that they have not the same means they had previously.

3736. It not only destroys the confidence, but it destroys the ground of that confidence?—It does.

3737. In fact it destroys their solvency?—Eventually.

3738. Then, do you not consider that that change in the circumstances of the times might make it necessary, to prevent hardship on the people, to make the corresponding change a temporary one also in the facility of recovering debts?—I think it would be very difficult to establish a principle upon which such a change could be effected, nor can I see by what standard such a principle could be regulated.

3739. Do you not consider the application to Colonel Crosby, and his acceding to that application, were both prompted by considerations of this kind, that as the poorer parties had contracted liabilities during a period when they had fair reason to expect they would be able to meet them, and as they were no longer able to meet them, it would be an act of kindness and even of justice to them, if I may say so, to proportionate their credit to the means they had after the period of distress, by rendering the facility of the recovery of those debts for the time being somewhat less than it had been before?—I consider that application, as well as the attention paid to that application by the late Colonel Crosby, arose entirely from humane and kindly feelings; but the distress that you spoke of, though general among the poorer class of persons, cannot at all be considered as general distress, ruining the country and pervading every class of society, because it arose from the failure of the potatoe crop, which is so common in Ireland.

3740. I have spoken of distress affecting that class of persons; that distress, though confined to the poor, affects the credit of the poor in their transactions, as well as general distress destroys the credit of commercial and other persons in their transactions; does it not?—The credit is generally of so limited a kind that I can hardly form a distinct idea of it.

3741. Their credit is always proportioned to their apparent and reputed solvency?—Yes; and they are less likely to obtain credit for the necessaries of

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life at these seasons than at other times, for this reason, that the farmer who sells on those occasions can get infinitely more than the real value of his commodity in the market, and consequently is not disposed to sell on credit to a very poor person.

3742. But, generally speaking, the credit of the poor depends on their apparent or reputed solvency?—Certainly.

3743. Not only their apparent but real solvency is less in the period of distress that you have described than at any other time?—Yes.

3744. Therefore their credit is diminished?—Certainly.

3745. Mr. *Villiers Stuart.*] Did you ever see the charter of the manor of O'Dorney?—Never.

3746. Do you know whether there is any provision for the appointment of the seneschal during the minority of the lord of the manor?—I have not heard.

3747. Did you ever hear it doubted that the appointment was a legal one made during the minority, unless by the Court of Chancery?—I never heard the subject mooted.

3748. Mr. *Bridgman.*] Do attornies practise in the manor courts?—I never saw an attorney practise in them; but I remember an occasion on which a respectable medical gentleman was a a suitor in the court, and he was asked whether he had an agent, and on his answering in the negative, the seneschal said that there was a person in court who usually transacted business in the absence of a legal adviser, meaning the bailiff of the court; the medical gentleman said he was perfectly ignorant of the etiquette of the court, but was quite willing to act according to the usual practice; he accordingly employed this man to conduct his cases.

3749. *Chairman.*] Do you know what he charged for his attendance?—As well as I remember, it was 1 *s.* in each case.

3750. Are there are any other persons who act as agents besides the bailiff of the court?—Not that I am aware of.

3751. Was there no agent on the other side?—No.

3752. Mr. *Villiers Stuart.*] Are suitors in the habit of employing him, or was it an extraordinary case?—I was so little in the habit of attending, that it struck me as an extraordinary case; I have since inquired whether the practice continues, and I understand it very generally does.

3753. Do you mean the practice of having one agent employed?—I mean the practice of having the bailiff employed.

3754. On one side of a question?—Most generally, I understand, almost always for the defendant; though in the particular case I have stated above, it was for the plaintiff he was engaged.

Mercurii, 14° *die Junii*, 1837.

Mr. Brady.	Mr. M. J. O'Connell.
Mr. Hamilton.	Mr. Villiers Stuart.
Mr. Lucas.	Mr. Vesey.

MORGAN JOHN O'CONNELL, ESQ., IN THE CHAIR.

William Gregg, Esq., called in; and Examined.

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3755. *Chairman.*] WHERE do you reside?—At Derryvolgie, within an English mile of Lisburn.

3756. Are you seneschal for any manor?—I am seneschal of the manors of Killultagh and Derryvolgie.

3757. Are those extensive manors?—Killultagh is a very extensive manor; Derryvolgie is not so extensive.

3758. Are they contiguous to each other?—They are.

3759. Where are the courts for those manors held?—The court-house for Killultagh manor is in Lisburn; the court for Derryvolgie is held in Derryvolgie or Lambeg, a small village in that manor.

3760. Are they both populous manors in proportion to their extent?—Very.

3761. There

3761. There are towns of course in them?—In the manor of Killultagh there are the towns of Lisburn, Crumlin and Glenevy, and other smaller hamlets.

3762. There are regular court-houses in both manors?—There are.

3763. By whom were they built?—They were built by the Marquis of Hertford, the lord of both manors.

3764. Are the entire of both manors the estates of the Marquis of Hertford?—Yes.

3765. With no exception?—With no exception.

3766. Are they in the occupation of the immediate tenants of his lordship, or leased in perpetuity?—The town portion of the manor of Killultagh is held generally on lives renewable for ever, or leases of that kind; but in the country parts of the estates, the leases are for lives, and in some instances for years.

3767. Mr. *Hamilton.*] Is the tenure at will frequent?—Yes, it is.

3768. There are some valuable properties held under the tenure at will, are there?—There are some very valuable properties so held.

3769. Is there a feeling of security under that tenure?—The tenants feel generally as secure under that tenure as under lease, those who hold under it.

3770. *Chairman.*] What were the dates of the patents under which those courts of the manors are held?—The 30th of June 1609 and the 3d of January 1627; 7th James 1, to Sir Fulk Conway, and the 3d Charles 1, to Edward, Lord Conway and Killultagh.

3771. What is the extent of the pecuniary jurisdiction?—£. 20 British.

3772. Is there a process of attachment in that court, and if so, is it exercised against the goods or the person or both?—There is; it is executed against the goods and chattels, but not against the person at present.

3773. Is it within your knowledge that that process has been exercised against the person?—Yes, it is; the late seneschal did so: there was then a proper prison for securing the person.

3774. How long has the process against the person ceased to be exercised?—I should say at least six years.

3775. How long have you yourself been seneschal of the manor?—Three years last February.

3776. What was the occasion of the late seneschal abandoning the exercise of that process?—In consequence of the prison not being a legal one, he would have been obliged to have sent the body to Carrickfergus, the assize town.

3777. Was it not in consequence of the clause in the Act of 7 & 8 Geo. 4, requiring the county prison should be used, and not the local prison of the manor?—I think it was in consequence of there not being a legal prison in Lisburn.

3778. Have you also civil bill process according to the statute?—Yes.

3779. Mr. *Vesey.*] You stated that there are several towns within the manor of Killultagh, what is the proportion of the population in those towns?—I should think that the town and borough of Lisburn contains very nearly 6,000 inhabitants.

3780. Are they generally a respectable class in that town?—Very respectable.

3781. Is it a manufacturing town?—Yes, there are manufacturers in the town; some very extensive manufacturers, but not very many.

3782. Are there many manufacturers in the country adjoining the town of Lisburn?—Yes; there is a good deal of weaving carried on of linen and cotton cloths.

3783. When you say weaving, is that done, generally speaking, in the houses of the people?—Yes.

3784. Is there much dealing between the inhabitants of the town and the people of the country with regard to weaving?—There is.

3785. Are there often suits in your court between the people of the town and the inhabitants of the country?—Not often, but there have been suits.

3786. Generally speaking, when there have been, can you state who have been the people that have originated the suits in your court?—Generally the town people; and also the country people in some cases.

3787. The country people, namely, the weavers, are generally of the poorer class?—Yes, they are.

3788. When those suits were brought by the inhabitants of the town against the people of the country, have you been of opinion that they have been brought into the court as a means of oppression?—No, never.

3789. Have the verdicts given been generally satisfactory to both parties?—I think I may say always, or with very few exceptions.

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3790. In what barony is the manor of Killultagh?—Upper Massereene.

3791. Does it extend over the whole barony?—Yes, I should think it did over all Upper Massereene.

3792. Of what class of persons are the inhabitants generally of that barony?—The inhabitants of the country parts of the barony are in general a very respectable class of landholders, and those residing in the town of Lisburn are composed of the gentry, merchants, shopkeepers, and others in a more humble class of society.

3793. Does the manor court give general satisfaction over the whole barony of Massereene?—It does, I may say, decidedly so.

3794. Have you heard that a petition has been sent from that part of the country?—Yes.

3795. Was that generally signed by the inhabitants of the barony of Massereene?—I do not think there was a single refusal, from what I have heard from the most respectable inhabitants.

3796. What is the object of the petition?—It was to request that the result of this Committee, whatever it should be, should not affect the manor courts of Killultagh and Derryvolgie.

3797. Are the two manors corresponding with the property of Lord Hertford?—They are.

3798. *Chairman.*] No one, you say, refused to sign the petition; by whom were they applied to for the purpose?—I had nothing to do with the petition as seneschal; it was got up by respectable individuals, hearing this Committee was sitting in London; I never heard of any refusal.

3799. Were those persons who got it up, themselves the inhabitants of the manor?—Every one.

3800. Mr. *Villiers Stuart.*] Were the parties liable to be summoned as jurors?—They were.

3801. They were persons in the habit of attending as jurors?—They were.

3802. Mr. *Vesey.*] Have you any difficulty in finding out the limits of the manor?—Not the slightest; they are defined by the limits of Lord Hertford's estate.

3803. Are there any suitors in your court not inhabitants of the manor?—Yes; I should think that plaintiffs would bring actions against defendants living in that manor. I have known instances of it.

3804. Generally the cause of action arises within the manor?—Always; the defendant is always resident within the manor.

3805. Do you generally summon the jurors?—The registrar of the court does so, but I give him the list.

3806. Does he generally summon the jurors strictly according to your list?—Strictly; I always examine the list.

3807. Have you ever found any difficulty in procuring the attendance of jurors?—Not the slightest.

3808. In case the jurors do not attend when summoned, do you conceive you have the power of enforcing attendance?—Yes, certainly; I should think I have under the charter.

3809. That you would have the power of enforcing attendance by a penalty?—Yes.

3810. What penalty can you enforce?—20 *s.* and under.

3811. Did you ever cause an enforcement of that penalty?—I have in some cases. Those who are called on a fine did not absent themselves from the court from any contempt or disinclination to attend as jurors, it was from being otherwise particularly engaged. The fine imposed was generally 10 *s.*, but this, with the exception of a very few instances, where 2 *s.* 6 *d.* was taken and given to the poor, was returned.

3812. Have you ever had complaints as to the manner of putting those penalties in force?—Not the slightest; in fact, when I say there was 2 *s.* 6 *d.* retained, it was only in one or two solitary instances.

3813. When you say you give a list of the jurors to the registrar, do you generally make out that list indiscriminately from the inhabitants of the town and country?—I generally mark off those inhabitants whom I conceive the most intelligent, and most respectable portion of the traders and merchants in the town; and in the country those who have the greatest portion of land, and who are the most intelligent.

3814. You always choose the most respectable inhabitants for jurors?—Yes.

3815. Have the jurors a separate place to sit apart from the rest?—They have.

3816. When they deliberate, have they a place to retire to?—Yes; a retiring room, constructed in the same way as at the quarter sessions. The Marquis of Hertford built the court-house.

3817. Do they generally decide on every case after it is concluded, or wait till a number have been tried?—They decide on every case immediately after it is concluded.

3818. Do you, before they retire to deliberate, charge them, and state your opinion on the case?—Only when there appears to be a difficulty on a legal point.

3819. Are you in the legal profession?—No; but I generally have a person to attend as my assessor in every case of necessity, but it is rarely necessary, for the cases are generally so simple, twelve intelligent men can come to a good conclusion.

3820. When you explain the legal point to them, do you find that they always give their verdict according to the explanation you have given them?—I have seen instances where they felt the claim of the plaintiff rather vexatious, where they have regretted that they were obliged to decide on some point at law, which appeared rather at variance with the equity of the case.

3821. Whenever the legal point is at variance with the equity of the case, do you mean to say they generally decide according to equity?—They generally decide according to equity, and if it is a thing which does not accord with their feelings, they wish it to be left to me, and both parties invariably adopt that course.

3822. When they decide according to the equity of the case, do you know whether that gives general satisfaction?—It does.

3823. Does that give more satisfaction even to the suitors on both sides, than if they decided strictly according to law?—I should think it does; I know instances where it did.

3824. When you say, if there are cases which they conceive to be oppressive on the part of the plaintiff, though he has the law on his side, they are inclined to find according to the equity of the case, do you mean by that to say that the jury are always anxious to decide against a plaintiff if they conceive he is inclined to act oppressively?—I do.

3825-6. Then, in no instances, a plaintiff, if he is inclined to act oppressively, can obtain a verdict in your court?—He cannot; I never knew it; the jury invariably set their faces against oppression and usury.

3827. You stated that generally the plaintiffs are the inhabitants of the town, and of the richer class?—I did not mean to say the plaintiffs are generally of the town of Lisburn; there are several cases where the inhabitants of the town of Lisburn are plaintiffs, but there are a greater number in the country.

3828. When the plaintiffs are the inhabitants of the town, and occupy as high a class of life as the jurors, are the jury more inclined to give their verdict in favour of the plaintiff than of the defendant?—Certainly not.

3829. Then even supposing the defendant was a poor man, if he had justice on his side, the jury would give their verdict in his favour?—They would decidedly.

3830. Mr. *Villiers Stewart.*] Have you any return by which you can inform the Committee of the number of cases that have been decided in favour of the plaintiff, and of those which have been decided in favour of the defendant?—I have; it appears by the return, that there were 1,104 cases tried, and verdicts recorded in Killultagh; there were in Derryvolgie 67 cases tried and verdicts recorded: there were 845 verdicts for the plaintiff and for the defendants; settled, &c. 259.

3831. Mr. *Vesey.*] Does the jury, in your opinion, pay due deliberation to every case?—They do; most particular care is taken by the jury to look into every case.

3832. Do you see whether they take notes in each case?—In every case of conflicting evidence they do take notes; the foreman of the jury is supplied with paper, pen and ink, as also the registrar; I also keep a book for that purpose.

3833. You stated that you have had an assessor generally to assist you on legal points?—Yes, always.

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3834. In case he was not there, do you think yourself competent to explain to the jury any legal point?—I do perfectly; with the assistance of the registrar and those who attend the court.

3835. Of what class is the registrar?—He is a respectable man, fully conversant with the practice of the court, and also a man of good legal information in manor court cases.

3836. Is he a man in the legal profession?—He is not.

3837. He would naturally be able to give you assistance on the practice of the court?—I generally know the practice of the court; but where there is any law point at variance with the evidence that comes before the jury, he generally sets the court right, if there is not an assessor in court; but it is very seldom there is not.

3838. Do you think after acting as seneschal for some time, you would be equally competent with the registrar to determine on those points without taking his opinion?—I should think so; I wish to observe, the jury are so composed of intelligent men, they generally take a great deal of trouble off the seneschal's shoulders; the foreman is particularly so.

3839. They are so intelligent you conceive, there is scarcely ever a necessity for explaining those points?—No; this paper which I now produce, is a list of the town; I have marked off the names of those who have been summoned, from which the Committee may see the description of persons.

3840. *Chairman.*] What is the rate of assessment for the town on the houses?—That list was made under the cleansing and lighting Act; it varies in rate from 6 *d.* to 1 *s.*, the rents of the houses are stated.

3841. By the rents, you mean the valuation on which the assessment was made?—Yes; that proves the value of the property.

3842. All those are persons who, according to the existing law, would be qualified to serve on juries at the assizes or quarter sessions?—They are so.

3843. Where are the quarter sessions held?—None nearer than Belfast.

3844. How far off is that?—Seven English miles from Lisburn.

3845. By the return you have forwarded to this Committee, it appears that besides the manor court you have, under the charter, a power of holding a court of pie poudre?—I have.

3846. Does that appear to be a relic of the corporation of Lisburn which appears upon the report to have at one time existed, but to have been for a long time in abeyance?—It is a part of the charter, which the lords of the manor always have exercised, and do so now.

3847. You are aware that in the corporate inquiry it was a fact admitted on both sides that there was no trace of a corporation existing in this place?—I think it was a question whether there was or not.

3848. What is the jurisdiction of the court of pie poudre?—The seneschal has the power of arranging and inspecting the markets of the town, and settling all differences between buyer and seller, which is invariably done on the day of the market.

3849. Is there any limit to the amount of the sum in dispute between the parties?—The dispute between parties is generally on the buying and selling property in the market; if there is any difference it is left to the decision of the seneschal.

3850. There is no limit in the charter to the amount of the property sold on the matter in dispute?—No, there is not; this is the form of summons, and there is a statement of the costs on the back [*delivering in the same.*]

3851. Mr. *Vesey.*] Is there a court leet in the manor?—There is.

3852. Do you often hold a court leet?—Twice in the year.

3853. What is done in that case?—Presentments are made for small manor roads that are not presented at the grand jury, the presentments for the cleansing the town, and other things connected with it.

3854. You say there are several leases in the town of Lisburn on lives renewable for ever; are there payments made on these leases in the courts leet?—There are payments yearly made.

3855. Are there many covenants on the property of the Marquis of Hertford subject to the courts leet?—There are several.

3856. Do you conceive that any inconvenience would arise to the property of the Marquis of Hertford if that court leet was abolished?—I should think there would, very great; we should have no opportunity of laying anything on for

the keeping of the town clean; we should have no opportunity of presenting for those small roads, nor for the salaries of individuals who attend at the market, as constables and so forth.

3857. Does not the Act of the 9 Geo. 4 completely provide for everything?—The town of Lisburn, through choice of the inhabitants, is only placed under the provisions of the Lighting Act, as the Marquis of Hertford is assessed by the court leet two-thirds of all presentments for the improvement of the town.

3858. *Chairman.*] Is it not levyable off the town only, or the neighbourhood?—Everything connected with the town is levied off the town presentments, for the fever hospital, for roads, &c., and everything connected with the country, off the manor.

3859. Are the parish and the town co-extensive?—The parish of Lisburn extends a great way from the town.

3860. A levy is made of that 6*s.* 8*d.* only on the town part?—Yes.

3861. A great part of that town is let on perpetual leases?—A great deal of the most respectable part of the town.

3862. That produces, of course, less income in amount than an ordinary property would?—Merely a nominal rent.

3863. Mr. *Vesey.*] When you say this tax is levied only off the town, how do you define the limits of the town?—The high constable of the barony has the list of the inhabitants, and he collects by street lists.

3864. Do you consider that he is also high constable of the manor?—Yes.

3865. Are you to be understood that the tax is levied only off those who are directly interested?—Only off those who are directly interested.

3866. You stated that there are several covenants made under the court leet?—There are.

3867. Would not great inconvenience arise in regard to those covenants, if the court leet were abolished?—Jurors are obliged to attend under those covenants two days in the year, for the purpose of making all those presentments necessary for the manor and town.

3868. Are any payments made in those courts leet?—Yes, there are, under the direction of the court leet.

3869. Are there covenants that they are to be paid into the court leet?—Yes.

3870. Mr. *Villiers Stuart.*] Those payments could not legally be made anywhere else but at a court leet?—No, they could not.

3871. Mr. *Vesey.* If the courts leet were abolished, would it be attended with expense to the inhabitants?—Were the courts leet abolished, the inhabitants of Lisburn would be assessed much higher than at present; the Marquis of Hertford, as I before said, being assessed the two-thirds of the town levy, by *consent.*

3872. *Chairman.*] If this court did not exist, it must be assessed under the Cleansing Act?—Yes.

3873. The great advantage of this system is, that two-thirds are paid by the voluntary act of the lord of the manor?—Two-thirds of the town assessment.

3874. If the assessment was by the commissioners and not by the court leet, the whole sum would be to be paid out of the town?—Yes; and besides that, the town would have to pay for officers, whereas the treasurer has made a compliment of his salary to the poor of the town.

3875. Those are all the voluntary act, first of the lord of the manor, and then of the officers?—Yes.

3876. Suppose the lord of the manor were to change his mind, or the lordship of the manor were to pass into other hands, they would not be bound by the acts of their predecessors?—They would not, certainly.

3877. In the claim you have handed in, there is a notice that the fees of the courts will be reduced to certain rates?—Those were the rates I originally fixed.

3878. Had they been much larger before that?—Not much larger; but when I became seneschal, I reduced the fees to the rates now shown.

3879. Is this notice three years old?—It is from the time that I commenced.

3880. Have the goodness to separate those fees which belong to the attachment process, and those fees which belong to the civil bill process, and state the result?—The extreme fees of the attachment, suppose it went to the utmost length it could, would be 2*l.* 16*s.*

3881. Will you state the sums which appear in the civil bill process, and the result?—For signing a process, 1*s.*; for the entry 1*s.*; for attendance in each case the practitioner's charge is 2*s.*; filling up process, 6*d.*; in fact, the whole

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cost is 5 *s.* 6 *d.*; the bailiff 6 *d.*, and in some cases 9 *d.*; where he has to go a considerable way into the country to serve process seven or eight miles, he is allowed 9 *d.*

3882. Your fee for signing the decree is 2 *s.*, you have there made a reduction of 6 *d.* on what the statute allows you to charge?—I have.

3883. The fee of attendance for the practitioner is not that allowed by the statute?—I think there is a reduction there too; I know I reduced my fee.

3884. In case no legal practitioner attends, that fee is not charged of course?—There never is an instance that agents do not attend; they always are in attendance.

3885. Are they always regular attornies?—Some are, and some are not.

3886. Those that are not regular attornies, of what class in life are they generally?—They are generally respectable young men, who have been in the habit of practising in courts for some years before they are licensed; and are proctors of the ecclesiastical court of Down and Connor.

3887. Is that 2 *s.* fee taxed against the defendant?—Five shillings and sixpence are the costs against the defendant; 3 *s.* 6 *d.*, and 2 *s.* for the decree, if it goes that length.

3888. Is there no fee to the bailiff or marshal, for summoning the jury?—That is included in the 1 *s.* for entry; I give him half of it.

3889. In that instance also, you have reduced the fee?—I have.

3890. The sums payable to yourself and the officers of the court appearing to be 4 *s.*, how is the 1 *s.* 6 *d.* additional made up?—I do not know that there is 1 *s.* 6 *d.* additional.

3891. You stated that you allowed 5 *s.* 6 *d.* against the defendant, in case of decree; you account for 4 *s.* of the sum, how is the other 1 *s.* 6 *d.* made out?—That is in extreme cases; I never charge for a decree unless it is issued.

3892. Supposing it issued, the law gives you the power of recovering 5 *s.* 6 *d.* costs, but you have reduced some of the items on which that 5 *s.* 6 *d.* is chargeable; by what items do you bring it up from the 4 *s.*, to which it appears reduced, to the 5 *s.* 6 *d.*?—The practitioner's fee I suppose brings it up; there is 1 *s.* for entering the process and signing the decree; when it goes the full length, 2 *s.*; and there is an attendance in each case 2 *s.*

3893. Supposing a party were to come without an agent into your court and chose to save himself the expense by pleading his own cause, would you, in that case, allow the 5 *s.* 6 *d.* to be charged against the defendant in case of a decree?—Certainly not.

3894. By what amount would you diminish it?—The practitioner's fee should not be charged against the defendant.

3895. Would you diminish it by the whole 2 *s.*, the practitioner's fee, or by the 1 *s.* 6 *d.*, which it appears in the other case you allow?—I have rarely known a case of the kind; I do not think I could answer that question.

3896. Then for the service of the process the bailiff is allowed to charge 6 *d.* in town and 9 *d.* in the country?—Yes; 9 *d.* where he goes any distance into the country.

3897. Is it left to you to decide whether the sum is sufficient?—We have bailiffs constituted throughout the manor; a bailiff, I think, would not have to go more than five or six miles; but in that case he would be allowed to charge 9 *d.*

3898. It would depend upon the distance he had to go?—Yes.

3899. It is stated "the court bailiffs must serve all processes in future, as none other will be received in court;" have you acted upon that rule during the three years you have been in the court?—Not exactly; in cases where bailiffs could not be had, I have generally allowed the plaintiffs to serve processes.

3900. Have you prevented plaintiffs from serving the process who were willing to do so at their own risk?—No; but I would rather the bailiffs of the court did so.

3901. Have you ever refused to receive the process because it was not served by the court bailiff?—I may have refused it; but afterwards I allowed the process, rather than put the party to any expense; the reason I objected to strangers serving process is, that they were not properly instituted, and the parties took advantage of it.

3902. Might not you allow them to do it, *suo periculo*?—Yes; but when I saw they lost by it, I did not wish it.

3903. Mr. *Vesey.*] Have the court invariably decreed with costs?—Not invariably; there have been instances where I charged no costs.

3904. Can

3904. Can you explain those cases in which you have issued a decree without costs?—For very small sums; when I found the defendant was a poor person, or where there was a great deal of hardship in enforcing the decree, I have attended to the wish of the jury.

3905. Do you issue those decrees without costs on the recommendation of the jury?—Where they have recommended that, I have.

3906. Have you ever issued a decree without costs, where the jury have not recommended it?—I have.

3907. Have you found the beneficial effect of issuing those decrees without costs?—Yes, I have.

3908. Have you found that it tended to prevent oppressive suits in your court?—Yes, I have; there is another way we have adopted as to those kinds of oppressive suits brought before the court: individuals in the country were in the habit of coming to the manor courts for the purpose of getting debts of rather a questionable nature; poor people in the country being obliged to borrow money, and got it under every disadvantage, taking it on any terms; when this was made known to the jury it was reduced accordingly.

3909. Have you found that the power of decreeing without costs has a tendency to prevent improper suits being brought?—Yes, I think it has had that tendency; and I think reducing the plaintiff's demand has done away with it in a great measure.

3910. *Chairman.*] With regard to the attachments, are those which come to your court in general defended?—No, they are not.

3911. What proportion of them should you say have been defended?—It appears here that there were cases to the amount of 2,115*l.* 16*s.* 10*d.* recovered under the attachments during the three years. I was desired to make up my account, and the expense of those attachments amount only to 152*l.* 9*s.* 4*d.*, showing that the greater part were not defended; during the three years there were only four executions issued that went the extreme length.

3912. Upon how many attachments, defended or undefended, were executions issued during that time?—Fifty-nine cases altogether in three years have come to trial.

3913. Can you state whether in those cases the full amount of costs was given?—I do not think it was.

3914. In the case of an attachment not being defended, what is the amount of costs?—8*s.* 6*d.* for the attachment, draft of affidavit 1*s.* 6*d.*; making 10*s.*, that is all.

3915. Is not the marshal's fee payable in case of an attachment?—It is chargeable after seizure, when the goods are put into the custody of the marshal.

3916. Are the cases in point of fact often settled after the goods are seized?—Generally.

3917. Mr. *Villiers Stuart.*] Can you inform the Committee how it is that parties adopt this more expensive process of attachment, when they could recover their money at much less expense by civil bill process?—The attachments are useful only where persons are leaving the country to defraud their creditors; where they have no intention to pay the debt, their goods being within the manor, the other process is equally good.

3918. You would not grant that process unless the party were going to leave the country?—I could not refuse it; but they would not apply for it if it were not for that; it also saves perhaps three weeks: the courts are held every third week. If an attachment is granted, the goods are held from one court day till another; the bailiff makes the seizure.

3919. *Chairman.*] May not that lead in some instances to an unjust demand being paid, in order to prevent the goods being detained for three weeks?—I never grant an attachment without an affidavit. This is the form of the affidavit [*producing the same*].

3920. Mr. *Villiers Stuart.*] There appears on the affidavit no reference to the parties being likely to leave the country. You were understood to say that that process is made use of in order to prevent debtors from defrauding their creditors by leaving the country?—I stated that that was one great use of it: any creditor might have the opportunity of getting his money, where otherwise he would lose it.

3921. Do you think it would be better to confine the exercise of this jurisdiction to a case where there was an affidavit that a party was about to leave the country?—

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country?—I should think there would be no great objection to that; at the same time a great deal of expense might be saved if the attachment was taken out, and the trial had as a civil bill trial, giving the party proper time to appear at the court: it is a very expensive process without much use, when it goes to that length.

3922. Would you give the defendant longer notice?—I would give him six days' notice instead of three.

3923. It appears that the civil bill process would be sufficient to benefit the public without their being exposed to this more expensive process; do you differ from that view?—I think that would be quite sufficient, with the exception of the cases I have mentioned, where the person is not of very good character, and meant to take advantage of his creditor: the attachment gives the creditor an opportunity of making a seizure, and thereby getting his money without perhaps any further trouble; and supposing it was to go beyond a certain length, I think that after the seizure had been made, there should be a regular process served upon the individual, giving him notice: a proceeding in the nature of a civil bill would answer all the purpose of this very expensive proceeding.

3924. *Chairman.*] Have you ever known the goods of parties not residing themselves within the manor, or tenants of it, to be seized under a process of attachment, while they were being transmitted through the manor?—No, never.

3925. Have you ever known any breaches of the peace from the execution of this process?—Not exactly under attachment. I have known, I think, two instances where seizures have been made of property that the individual conceived did not belong to him; and there was something of a breach of the peace that has been under the decrees of the court, but very seldom.

3926. You have known breaches of the peace for seizures under decrees, but not under attachments?—I would say there was one under attachment and one under decree, I think.

3927. Do you think the poorer classes through the manor generally understand the difference between this process and the decree?—They always do: no attachment can be granted for a debt under 2 *l.*

3928. Mr. *Vesey.*] When you stated that breaches of the peace had occurred, on what grounds were they made; were they on the part of the defendant denying the justice of the claim?—No, they were not; it was where the defendant handed the goods over to a third person, and that person claimed the goods merely to defraud the creditor, and thereby a breach of the peace commenced in their making a rescue from the bailiff.

3929. Did those breaches of the peace always arise from an attempt on the part of the defendant to defraud the plaintiff?—Yes; but there have only two cases occurred, to my knowledge, during the period of three years that I have been seneschal.

3930. *Chairman.*] Fifty-nine cases of attachment, you state, came to trial; are you able to state how many other attachments were issued which did not come to trial?—I cannot exactly say; but I should think 280 or 300 have been merely issued.

3931. You mean that there were 280 to 300 exclusive of the 59?—Yes; I stated before that there were only four that had gone to the extreme length of costs.

3932. Can you state how much was recovered on the 59?—I cannot state the amount of the 59, but I can state the amount recovered on the whole, 2,115 *l.* 16 *s.* 10 *d.*

3933. What is the average amount recovered; is it over or under 10 *l.*?—I should think about 8 *l.* would be about the average.

3934. Mr. *Vesey.*] Are there many appeals from your court?—Very few.

3935. Can you state the number?—We have had only 18 appeals from the manor court of Killultagh for the last three years, during the time I have been seneschal.

3936. How many of those appeals have been tried?—There were 11 of them tried.

3937. How have those 11 appeals been decided?—Only one was reversed.

3938. Were those appeals generally made by the parties on account of their disapprobation of the verdict given, or in order to gain time?—I would say, in nine cases out of ten, in order to gain time; that was their observation at the time.

3939. Out of those 11 that were tried, do you conceive nine or ten were to gain

gain time?—I would say so; I could not say decidedly so, but that is my impression certainly.

3940. *Chairman.*] When you speak of nine cases out of ten being for the purpose of gaining time, do you mean to refer to those which went to trial as well as those which did not?—I mean to say, that as to 18 appeals I should think that 16 out of 18 were to gain time; I know it was so acknowledged.

3941. If 16 out of 18 were to gain time, how is it that 11 went to trial; would not the time have been as well gained by letting the decree go by default?—There may besides have been the spirit of litigation, perhaps, that brought them to the assizes; I know the observation generally made, was to gain time.

3942. Mr. *Vesey.*] Do you conceive there is sufficient liberty given to the unsuccessful party to appeal?—I do; I generally explain to them the nature of the expense they will be put to, and when I get the appeal bond lodged I state to the securities that they will be accountable for double the costs.

3943. How far is the assize town from Lisburn?—Nineteen English miles.

3944. Does the distance of the assize town from Lisburn prevent any persons appealing?—If they wish to do so, I think it would not.

3945. Do you think there is too great facility given for appealing at present?—I do.

3946. Are you of opinion there ought to be more restriction with regard to the power of appeal?—I am.

3947. What restriction would you propose?—I think if parties were obliged to make an affidavit, as they are at the sessions, that it was not for the cause of delay, fewer appeals would be brought.

3948. Would you be inclined to have appeals tried before the assistant barrister at the quarter sessions, instead of carrying them before the judge at the assize town?—I can see no objection to that, it would give a great facility to the appellant; but, in my opinion, the affidavit would also be desirable.

3949. It would give a greater facility for the trial?—It would be more convenient; as the sessions are held four times in the year the parties would then have great facilities in appealing; but the affidavit would do way with the cause of appeal in many cases.

3950. Do you not think that if a person brings an appeal to trial it would be much more out of a feeling of disapprobation of the verdict, than to gain time?—In some cases.

3951. Therefore you do not think there would be any harm in giving greater facility to have an appeal tried, if you put a restriction on the power of entering such appeal?—I do not.

3952. *Chairman.*] The vexatious nature of the appeal at present is, that it may be sometimes used to gain time. If appeals, instead of being tried twice a year, might be tried four times, and if instead of there being sometimes a distance of eight or nine months between the holding of the manor court and the time of trial, the period were reduced to two or three months, would not the vexatious nature of the appeal be done away with in a great measure?—I think it would.

3953. Has it occurred to you that the law might be further improved by requiring, in the case of appeal, the amount of the debt to be paid into court?—I do not think that that would be of great service; I do not, as seneschal of the manor, accept of any security unless it is such as I would be satisfied with myself. I take the bond, knowing it to be good.

3954. You always inspect the sureties carefully?—Yes.

3955. Have you ever known the amount of the bond to be recovered afterwards?—It never has been; I have never known it called for.

3956. In case the party appealing does not prosecute the appeal, have you ever known a suit instituted upon the bond?—No; there has been nothing of the kind.

3957. Have you heard of its being done?—No.

3958. Have you considered whether that might be tried at the civil bill court?—No.

3959. Do you think if a power were given in case of an appeal not being prosecuted, to have the penalty of the bond recovered by civil bill process before the assistant barrister, that might tend to check vexatious appeals?—I think it would.

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3960. Mr. *Vesey.*] You stated that the inhabitants of the manor approved generally of the court?—Yes, they do.

3961. Do you conceive that they like this court, on account of the frequency of the sitings of the court?—I do; that is one reason, and also the opportunity afforded for recovering small debts, and the advantage it is to the individuals in the country to return in the evening; having their business done is another great reason, beside the economy it is to them.

3962. Is Lisburn a quarter session town?—It is not.

3963. What distance is the nearest quarter session town?—Belfast, at a distance of seven miles.

3964. How near is the nearest part of the manor of Killultagh to the town of Belfast?—The nearest part is six miles.

3965. Is not there a great facility for the inhabitants of the manor to attend the quarter session, held where it is held?—They have every opportunity of attending it.

3966. How often is the quarter sessions held in the town of Belfast?—Four times a year.

3967. Do you find that immediately previous to holding the quarter sessions court in Belfast, there are fewer cases in your court?—I seldom or never find any difference; the courts are generally in June, October, January and in April, and I find in the returns I have made from the books, the cases are fully as numerous at those times as others.

3968. Are there any other reasons why the people prefer the manor court, besides the frequency of holding the court?—Yes, there are; when they have any business to do with the manor court, they come into court in the morning, get their business done, and return in the evening; whereas, if they have business at the sessions, they may be detained at Belfast or Antrim, two, three or four days, and spend as much much money as they have been suing for, and return, perhaps, without getting their business done.

3969. Do the people generally like having their causes tried by a jury?—They do.

3970. Do you conceive those cases are more satisfactorily tried by a jury who understand their habits and customs, than they would be by a barrister, who is comparatively a stranger?—They do; I should conceive that 12 intelligent men can come at the truth, knowing the parties, better than one individual who is a stranger to the parties, and they have besides the opportunity of giving a great deal more time to each separate case than the barrister would be able to do.

3971. Do you think persons ever come to your court under the idea that their cause is bad, and therefore they have no chance of obtaining a verdict in the barrister's court?—I never knew an instance; our juries are so composed they would see through it in a moment.

3972. Is the feeling of partiality with regard to the manor court of the manor of Killultagh one arising out of a conviction that strict justice will be done to all parties?—That is the feeling.

3973. Both on the part of the inhabitants of the country and of the town?—Yes.

3974. Poor and rich?—Yes, the farmers and tradesmen.

3975. Is that feeling quite general?—It is quite general.

3976. Have there been any complaints made against your court?—Not to my knowledge.

3977. *Chairman.*] What is the population of the manor of Derryvolgie?—I should think that it contains a population of from 14,000 to 15,000; and that of Killultagh not less than 60,000.

3978. Is it a manufacturing population?—Both a manufacturing and agricultural population; there are many weavers, and also a very large linen and damask manufactory in Lisburn.

3979. Does the return you have given of the amount of sums recovered and costs levied extend to both manors, or only to the manor of Killultagh?—What I have been examined upon is as to the manor of Killultagh; I have a statement as to Derryvolgie also.

3980. Mr. *Lucas.*] Have you any suggestion to make as to improvements that might be effected in manor courts generally?—I think the power of appeal is one of the most objectionable parts; if anything could be done to oblige the parties to pass an affidavit that they have reason to think the justice of the case would be satisfied

fied by an appeal to a higher court, that would be useful. I think also the appeals are vexatious in many instances, and it would be a good suggestion that no appeal should be listened to under 10 *l.*

3981. If the right of appeal were given to the assistant barrister at the quarter sessions with a jury, what would you think of that?—I think it would do well with the addition of having an affidavit passed, as I have stated, both by the individual and by the practitioner as to their belief of the justice of the case.

3982. Do you think under those circumstances a quarter sessions appeal would be preferable to one at the assizes?—I think it would for this reason, that they would have the power of going to the quarter sessions four times a year, the assizes being only twice held; and instead of going to Carrickfergus, which is 19 miles off, they would have but to go to Antrim or Belfast, seven miles in one case and nine in another.

3983. Mr. *Villiers Stuart.*] Would it not be hard that there should be an appeal from some seneschals' decisions and not from others, which would be the case if your recommendation were attended to, as the jurisdiction of many manors does not exceed 2 *l.*?—Our jurisdiction amounts to 20 *l.*, and it is generally in the case of a debt beyond 4 *l.* or 5 *l.* where the attachment is taken out.

3984. Mr. *Lucas.*] Do you object to any appeal in cases under 10 *l.*?—I think it would be better to have no power of appealing for so small a sum as 2 *l.*

3985. Mr. *Villiers Stuart.*] Would you remove the right of appealing in case of civil bill?—I think I would say that the debt should be larger than 2 *l.*

3986. By that arrangement, in some manors there would be no appeal?—No; where the jurisdiction amounted only to 40 *s.* there would not.

3987. Does not it occur to you, that it may be the case, that when the jurisdiction is confined to 40 *s.* being in country districts, the seneschal may not be an equally efficient person with the seneschal who has a larger jurisdiction in towns, and that, therefore, there might be an objection to depriving the parties of appealing from the judgment of a person less competent?—I do not know an instance where that would apply in the part of the country I am acquainted with; I have heard of small manor courts, but they are not made use of under so small a franchise as that referred to.

3988. Mr. *Vesey.*] Have you any cases of wages in your court?—Yes, but very seldom; they generally go before the magistrates.

3989. In those cases of wages the defendant is generally rich?—Yes, he is.

3990. Have you found any cases of appeals on claims of wages?—I do not remember any.

3991. In cases of wages, do you not think giving too great a facility of appeal would be very injurious to a poor man?—I think it might; he would not have the means of getting the business brought before the court.

3992. The time he is kept out of his money would be more serious to him, than it would be to a more wealthy person?—Yes; and besides that expense, he would be put to inconvenience.

3993. Mr. *Lucas.*] Have you considered whether the number of jurors can be diminished with advantage?—I should say not.

3994. Have you ever found in your district a want of jurors?—No; we have very fit men.

3995. *Chairman.*] Are they summoned from any great distance to attend the courts?—They are summoned sometimes five or six miles.

3996. How many do you summon for each court day?—Sixteen.

3997. Do you often have occasion to try on the same day cases in which the proceedings come by attachment, and cases in which the proceedings come by civil bill?—Perhaps one case of attachment, and the remainder by civil bill.

3998. Do you try them all with the same jury?—They are tried by the same jury; and are sworn on the record, as it is called, as well as the civil bill.

3999. It is the same as in the superior court?—Yes.

4000. If there were two cases of attachment on the same day, would you swear them separately?—No, I would not.

4001. Have you ever had occasion to set jurors aside?—Nothing further than that when I found they were connected in consanguinity with either party, I thought they would be unsuitable.

4002. In other cases have the objections come from the parties or the jurors?—I have seen it come from the jurors themselves, considering themselves not fit for such reason.

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4003. If you set them aside, do you do so with reference to the trial of that case only?—Sometimes the remainder of the day; sometimes they go back into the box when that case is tried.

4004. On the average, how many cases do you try on each court day?—I should think the cases average about 20.

4005. For what time does the court sit?—From eleven o'clock sometimes till seven; they sit till the business is over; the court rises, on the average, about five.

4006. Mr. *Vesey.*] When there is a suit between an inhabitant of the town and an inhabitant of the country, does the inhabitant of the country ever object to any jurors because they are inhabitants of the town?—I never heard an objection made.

4007. Do they ever complain, after the verdict is given, of its being given in consequence of their being of the same class as the successful party?—No, I never heard the observation made.

4008. Mr. *Stuart.*] Is it a voluntary act on your part, calling in the assistance of the assessor, or does the lord of the manor appoint him?—It is a voluntary act on my own part.

4009. You have found, in a jurisdiction of 20*l.*, cases to arise in which it was necessary to have legal assistance?—I have; when attornies are inclined to be litigious it is necessary to have a proper person to meet it, but only where the debt is disputed; in many cases where it comes before the manor court there is no objection to the debt; the jury find without any opposition.

4010. If the seneschal is not a legal person, and his jurisdiction is as extensive as yours, he may find himself in a difficulty without legal assistance?—He may.

4011. Is it your opinion that if he has not the assistance of an assessor he ought to have a legal education for the situation?—In our court, where cases receive an equitable decision, the opinion of a respectable man is looked on with more satisfaction by parties than any legal opinion which can be had; it is possible that process may be served wrong, and parties may be put to expense; for instance, a true copy not being served on individuals they may be brought to trial unduly; I only know the use of it in such instances; they are very simple cases which come before the juries in manor courts.

4012. You do not think the common law process could be abolished without inconvenience to the public?—I do not; I should think very great inconvenience would result.

4013. Mr. *Vesey.*] You stated that the assessor assisted you in all legal points?—If I find myself at fault on a legal point.

4014. Have you often found that legal points did arise in which you required assistance?—Very seldom; perhaps in not one case out of a hundred.

4015. Do you not think, with very little trouble, a person competent to sit as magistrate can sit as seneschal of a manor?—I think he would have no trouble if he had proper juries.

4016. With very little trouble he could qualify himself?—He could.

4017. When you state that he requires some legal knowledge for the issuing of process for the security of parties, do you not conceive that he can acquire the requisite knowledge with very little difficulty?—Yes; but in cases of that nature within my jurisdiction the registrar is the person by whom all those things are arranged, and he is a man of very good legal knowledge.

4018. *Chairman.*] How is the registrar paid?—By myself; he is allowed also a penny on each process for the paper and printing.

4019. Payable out of your own fees?—The individual who gets the process pays that money.

4020. Can you state what are the annual emoluments of your office?—It would be a difficult thing to state them exactly; I think, perhaps 100*l.* to 120*l.* or 130*l.* a year.

4021. The whole of that is not derivable from fees on small debt cases?—I have other fees than those which appear here.

4022. Have you fees on the proceedings in the courts leet?—The seneschal has a fee of 8*d.* on each lease, and 4*d.* for every undertenant.

4023. That is charged at the discretion of the lord of the manor?—Yes; I would state that I do not receive the emolument, but that is the fee which is charged.

4024. Have you any other office besides that of seneschal?—Yes, I have; I am receiver of rents for the Marquis of Hertford.

Veneris, 16° *die Junii*, 1837.

MEMBERS PRESENT.

Mr. Brady.	Mr. M. J. O'Connell.
Mr. Bridgman.	Mr. Vesey.
Mr. F. French.	Mr. Villiers Stuart.
Mr. Hamilton.	

MORGAN JOHN O'CONNELL, ESQ., IN THE CHAIR.

William Gregg, Esq., called in; and further Examined.

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4025. Mr. *Vesey.*] DO you ever find that any inconvenience arises in the selling of goods from requiring a licensed auctioneer?—Yes, I do.

4026. Have you any suggestion to offer to the Committee upon that subject?—I think the court bailiff should have the privilege of selling goods; it would save a great deal of inconvenience to individuals.

4027. Will you state the inconvenience which arises?—The licensed auctioneers generally live in towns, and several instances occur in which individuals have to be sold out in the country; and the distance is so great that a licensed auctioneer will not attend without a fee, greater perhaps than the amount of the demand.

4028. How would you propose to remedy that?—I would propose to give the manor court bailiff the privilege of selling goods, giving security to the amount of 20 *l.*, or something of that sort, and allow him a small fee of 6 *d.* in the pound for the first 1 *l.*, and 3 *d.* in the pound for the second, and so on.

4029. That suggestion supposes that the manor court bailiff should be a person of equal respectability with the licensed auctioneer?—Certainly.

4030. In whom do the appointments of the bailiff at present rest?—The seneschal has the appointment.

4031. Do you require any security?—I do, from the town bailiff; not from the country bailiffs.

4032. But when you gave the bailiff such a power as this, would you still leave the appointment generally in the hands of the seneschal; do you think it would tend to secure a proper person?—I should think so; I should think he had a greater interest in the appointment of the bailiff, and to look to the interest of the public and the efficiency of the court, than a stranger.

4033. Would you not require that the bailiff should give some security also?—I should.

4034. That there should be some enactment of this kind, that the seneschal should require security from the bailiff previous to his appointment?—I do.

4035. Mr. *Hamilton.*] Do you happen to know in what manner sales, under the Civil Bill Act, are now effected?—The goods are sold, as I have stated, by licensed auctioneers.

4036. Do you happen to know whether, under the Civil Bill Act, a licensed auctioneer is requisite?—Yes; they are required by law at present. The manor court bailiffs have not the privilege of selling goods so seized.

4037. Mr. *Vesey.*] Have you any other suggestions to offer upon that point?—No; nothing further.

4038. In issuing the processes do you ever find any inconvenience under the present system?—I do.

4039. Will you state what it is?—Where witnesses are summoned from the country to prove cases, or anything of that kind, I find that three days is rather a short space of time to notify the trial to them.

4040. Then what suggestion would you offer upon that point?—I would say six days' notice would be a great advantage to the party.

4041. That all processes should be served six days previous to the trial?—Yes.

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4042. *Chairman.*] Do you mean that a similar extension should be given to the time for summoning the parties as for summoning the witnesses?—Yes.

4043. Mr. *Vesey.*] Would it tend to secure the appearance of witnesses?—I think it would very much.

4044. In the case of issuing a decree, does any inconvenience arise according to the present system?—Sometimes individuals have stated to me that at the time they had every inclination to settle the account, but in consequence of their not having time they have been obliged to be sold out, when otherwise they would have given security and stayed the execution.

4045. Should you then be inclined to give them time?—I should, in many instances, think it a very desirable thing.

4046. Would you give the seneschal the power of staying the decree?—I think it would be very desirable he should have the power of staying it for three months, provided he were satisfied the security was good.

4047. Would you do that for any sum?—I should say for sums under 5*l.*

4048. You would not make that rule apply to sums above 5*l.*?—I think not.

4049. On what ground?—I think individuals who have actions brought against them for sums above 5*l.* are generally a more respectable class, and are able to settle their accounts sooner than those who are processed under 5*l.*

4050. Mr. *Villiers Stuart.*] With what view would you delay issuing the decree?—To give an individual who had property enough time to pay the amount.

4051. Is not, by the present law, the jury allowed to direct that the payment should be made by instalments?—Where it is under 40*s.*

4052. Mr. *Hamilton.*] Is that a power which they exercise frequently?—Yes, they do; they recommend it; I think the seneschal has the power.

4053. Would you propose to extend that power, or to give a complete discretion with respect to the time of payment, limiting it to three months, at the discretion of the seneschal?—I think it would be better to limit it to sums under 5*l.*

4054. Mr. *Villiers Stuart.*] Do you think it would be better to allow him a discretionary power altogether, or to direct debts under 5*l.* to be paid by instalments?—Either; but as the Act now stands they can pay anything under 40*s.* by instalments.

4055. Mr. *Hamilton.*] How soon do you consider it imperative upon you to issue your decree and execution at present?—If I were called upon I should think myself bound to issue it the next morning, or the same evening after the court rises.

4056. Mr. *Vesey.*] Does the plaintiff at present pay for the service of the process?—He does.

4057. Do you consider that just?—I have heard it often objected to as a hardship that he should pay for the service of the process.

4058. What would you propose to remedy that?—That the 5*s.* 6*d.* should cover everything, and that it should be paid by the defendant.

4059. Supposing the defendant were a very poor person, so that in fact the ordinary costs of the court would be almost more than he could pay, and the plaintiff was rather of a wealthier class, would not that be a hardship?—It would; but that is remedied in another way, the jury can find without costs.

4060. But if the jury found without costs, still, in a certain degree, that would be a hardship upon the plaintiff?—It would.

4061. But would you make that rule for relieving the plaintiff from paying for the service of the process, general in every case?—I would make it discretionary with the seneschal, where he saw a proper ground for doing so.

4062. Then, am I to understand you would leave a discretion with the seneschal, that where the defendant was a poor person, and not able to pay for the service of the process, the seneschal should have the power of relieving him from that?—Yes.

4063. Do you not think that, to a certain degree, might leave too much power in the hands of the seneschal, supposing the seneschal is inclined to act harshly?—I should think it would, unless it were coupled with a recommendation of the jury.

4064. You would not give that power solely to the seneschal, but that he should act upon the recommendation of the jury?—Yes.

4065. You stated the other day, that in nine cases out of ten, parties intending to appeal, do it in order to gain time?—Yes; and I intended to have added as an additional

additional objection, that the poor people apply to agents to conduct their business for them, who are not in any way responsible, and who take their cases in hand without any other feeling than a professional one, without there being a just and fair reason to believe that the decree will be reversed; so that when their cases are brought before the court of appeal, they invariably are confirmed.

4066. Having referred to the Act of last session, with reference to the ivil bill courts in Ireland, do you wish to correct your former answer with regard to licensed auctioneers being required to sell goods under executions?—Yes.

4067. And you suggest that the manor courts should be placed on the same footing with respect to the execution of decrees as the civil bill courts, under under that Act?—I do; the bailiff giving security.

4068. *Chairman.* In the same Act there is another clause requiring the bailiff to give security in a bond to the clerk of the peace for the county; do you think it would be advisable, if the power you mention were given to the bailiffs of the manor courts, that they should be required to give such security also?—I do.

4069. To whom should that security be given, and would you suggest any additional provisions to make it effectually available?—I do not know a better person than the clerk of the peace. The bailiff has an opportunity of going to the quarter sessions and taking the security there.

4070. Would it not be advisable that the principle of that enactment should be imitated in allowing the bond to be sued upon in the civil bill court in case of a violation of duty?—Yes.

Captain *Richard Rollo Houghton*, called in; and Examined.

4071. *Chairman.*] WHERE do you reside?—I reside near Lisburn, in the manor of Killultagh.

4072. Have you been long a resident in that manor?—About eight years.

4073. Have you often attended the courts held in that manor?—Frequently.

4074. Have you often acted as a juror in those courts?—I have never served as a juror in the manor court; but I have been foreman of the court leet jury.

4075. Have you often been present at the proceedings of the civil bill court?—Occasionally; I cannot say how often.

4076. Mr. *Vesey.*] I think you stated you have been generally foreman of the court leet?—Frequently.

4077. Can you say how often those courts leet are generally held?—Twice in the year, winter and summer.

4078. Do you consider the holding of those courts of importance with regard to the management of the affairs of that manor?—Very much so.

4079. Who is the jury of the court leet summoned by?—By the seneschal of the manor court.

4080. What number does he generally summon for each court?—I have seen from 80 to 100 there constantly.

4081. Are you aware whether he adopts any rule with regard to summoning juries?—He invariably summons the most respectable farmers, gentlemen and tradesmen residing in the manor.

4082. Is there a separate court leet for the country parts, and also for the town of Lisburn?—No, they are both held together; they are summoned equally for both. They are summoned from the different townlands; so many from each townland, and so many from Lisburn.

4083. Of what class are the people generally, who are summoned from the country parts?—The best informed and most respectable in each.

4084. When you say the most respectable, do you mean the most respectable among the farmers, or does that include the gentry?—The farmers are summoned along with the gentry; the majority are farmers generally.

4085. From what classes in the towns generally?—From the gentlemen, merchants, and the most respectable tradesmen or shopkeepers.

4086. Is there any complaint in that manor of people being left out of juries, or omitted to be summoned?—I have heard men say they were disappointed in not being called as jurors, but that is very seldom the case. I know it would be a very great disappointment to a man of respectability, were he not in his turn called to serve as a juror.

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4087. Is that complaint you mention a general complaint?—No, it occurs very seldom. I do not think I ever heard an instance of it except one or two.

4088. Is there any oath taken by the jurors at the court leet?—Yes; the same as by the grand jury of the county.

4089. What is generally the duty of the jurors at this court?—We present at the court leet all rates not presentable upon the county, for example, by-roads for the convenience of tenants of the lord of the manor, who are not situated or placed upon county roads. We also present for the fever hospital, and for watching and cleansing the town of Lisburn, and for many other things.

4090. You say there are some presentments for watching and cleansing the town of Lisburn, that is, merely a tax for the sole benefit of the town of Lisburn?—Certainly.

4091. Is that laid indiscriminately upon the manor, or is it solely on the part that is directly benefited by it?—Entirely upon the town.

4092. Does any other part of the manor, not directly benefited by it, pay any portion of that tax?—None whatever that I am aware of.

4093. Are there any complaints in the manor relative to that mode of taxing?—No, I am not aware of any; I never heard of one. None ever came before me as foreman of the jury.

4094. What is the opinion of the inhabitants of the manor relative to the court leet. Do they wish the court leet to be abolished, or would they consider it a hardship, and wish that it should be continued?—They would be very unwilling that it should be abolished. They tax themselves, and they know that when they tax themselves they have the entire benefit of it.

4095. Would they prefer this method of taxing themselves, rather than that the tax should be made as an assessment indiscriminately on the residents in other parts of the county?—Certainly, much more. I have been on the grand jury of our county myself, and I can safely say that we get the entire benefit of all the money presented at the court leet, while we do not derive the same benefit from that presented by the grand jury of the county.

4096. Mr. *Villiers Stuart.*] The seneschal summons the jury to this court leet just in the same manner as the high sheriff summons the grand jury of the counties, that is, it rests with him to say who shall attend that jury, or who shall not?—He certainly has the power of summoning. I do not know that his form of summons is exactly the same.

4097. You stated in your former answer that they liked the system of the court leet better than the county grand jury system, because the sums were raised by themselves and applied for their own benefit; will you explain whether it depends entirely upon the seneschal whether they are summoned or not, and whether they have the power of raising the sums themselves, or whether there is any elective franchise in the system?—As far as I understand the question, the power of summoning the jury is entirely in the hands of the seneschal; however, I beg to state I have seen farmers come into this court from the country who were not summoned, and who asked to be sworn, and they were invariably sworn.

4098. How many sit upon the jury?—I have seen from 80 to 100.

4099. Mr. *Vesey.*] Do I understand you to say that from 80 to 100 jurors sit at the same time to make presentments?—Yes.

4100. In fact, if any respectable person in the manor thought it a grievance that he was not summoned, and were to apply to the court, I understand you to say he would be immediately sworn upon the jury?—Certainly; I have seen it done; I have had them sworn myself.

4101. So that is it your opinion that there can be no just complaint in the manor as to persons who ought to serve upon the jury not being put upon it?—No just complaint whatever.

4102. Mr. *Villiers Stuart.*] Do you find no inconvenience from the great number that are assembled in the management of the business?—None whatever; we are never later than five or six o'clock in the evening.

4103. Can you state what sort of sum is generally levied half-yearly for the expenses of the roads?—I beg to refer to the book given in by Mr. Gregg for an answer to that question. I cannot state the sum levied for roads separately from the sum total.

4104. *Chairman.*] Have you often long debates upon particular questions?—We sometimes have.

4105. In case of a difference of opinion do you divide?—Frequently.

4106. Is the question always carried by a majority of voices?—Always.

4107. Of course, with the numbers you have mentioned, the minority, in case of the rejection of a presentment, frequently consists of more than 12 persons?—Yes.

4108. If more than 12 persons of the grand inquest vote in favour of a particular presentment, is that presentment often rejected?—Certainly, if the majority is much greater.

4109. Do all those who are jurors remain until the rising of the court?—No; I have seen some leave after they have got their business done; some men who attend that court are very old, and they could not possibly sit there the whole day.

4110. Has the number of those attending ever been reduced below the ordinary number of the grand jury?—Never so low as 20 in summer.

4111. Does the foreman vote except there be an equality of numbers?—No, there is no necessity for his voting.

4112. Are the discussions conducted with great order and regularity?—The greatest possible.

4113. Are the public admitted to the court?—No one is admitted but those sworn on the jury, and the bailiff in attendance, who is also sworn.

4114. Is the seneschal present?—Yes, the seneschal presides; he administers the oath to the jurors.

4115. Does he remain during the whole of the proceedings?—Yes, generally.

4116. He is not, however, bound to do so?—No.

4117. Mr. *Vesey.*] Has the seneschal the power of examining the presentments after they have passed the jury?—I think not; he is generally there the whole time, and sees the presentments.

4118. In case the jury, by some mistake or otherwise, passed a presentment which was not strictly legal, would not the seneschal have the power of revising that presentment in the same manner as the judge of assize?—I dare say he would; but we have our secretary there, who is a legal person.

4119. *Chairman.*] By whom is the secretary appointed?—By the seneschal.

4120. Mr. *Vesey.*] Are you aware that a petition has been presented and referred to this Committee, relative to the manor court of Killultagh?—Yes, I am; I signed it myself.

4121. Do you conceive that petition refers to the court leet as well as the court baron in that manor?—Yes, I do.

4122. By what description of persons is that petition signed; are you aware?—It is signed by the first people residing in the manor; the most respectable of all classes: there is one deputy-lieutenant of the county, several magistrates, and a number of highly respectable merchants, farmers, tradesmen and gentlemen.

4123. Does not that petition pray that the manor court of Killultagh should be preserved?—Undoubtedly; it is the anxious wish of those who signed the petition that it should be preserved.

4124. Are you aware whether any persons have signed that petition who are not generally summoned on the jury, and who are not, from their station in life, considered competent to act upon the jury?—Not having seen the names of the persons who signed that petition after I put my own signature to it, I am not aware of the fact; but I should think they are generally the persons who are in the habit of being summoned as jurors in that court.

4125. Are you aware that nearly 3,000 persons have signed that petition?—Yes, I heard that was about the number.

4126. Of course they all would not be persons generally summoned to serve upon the grand juries within the manor?—No, there are not, I believe, so many generally; but I really could not say the number of persons who are summoned upon the grand jury; there are different juries at different times of the year, and different years; it does not follow that the same persons are summoned every year; I cannot tell the number except from the seneschal's list.

4127. Do you think it probable that out of that number of signatures there are some persons who have signed who are not summoned upon the jury?—I am certain there must be many who are not summoned upon the jury.

4128. Are there many of those persons who have signed that petition approving of the court leet, and the mode of taxing the inhabitants of the manor, who

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approve of that mode, though they do not exercise that power themselves?—Certainly; they approve of it highly.

4129. *Chairman.*] Will you have the goodness to refer to the petition and point out any part of it which you think refers to the court leet?—Upon looking to the petition I cannot find any part which refers to it specifically; I signed it myself with that view.

4130. Mr. *Villiers Stuart.*] You yourself signed it supposing you were praying for the maintenance of all the courts in the manor?—Yes, I think that was my impression at that time.

4131. The petition speaks of "the important advantages arising from the manor court of Killultagh;" you consider that includes all the courts?—Yes.

4132. *Chairman.*] Do you conceive the advantages which you allude to as derived from the court leet, tend to increase the feeling of confidence and respect in the inhabitants for the whole system of the court?—As far as that is concerned they are both respected; but they are quite distinct.

4133. Mr. *Vesey.*] What description of persons are generally summoned to serve as jurors in the small debt court?—They are generally farmers of respectability, or merchants and tradesmen of Lisburn.

4134. What number are generally summoned?—As well as I recollect, there are about 16 summoned each court day.

4135. How often does each court sit?—Every three weeks.

4136. Is it considered a grievance on the part of the inhabitants of the manor to be obliged to serve upon the jury?—I never heard that it was.

4137. Have you ever heard any cases of refusal to serve upon the jury?—I cannot call to mind that I ever heard of one; they view it as a duty. I never heard of a refusal.

4138. Do the class of persons who serve upon the juries in this court give satisfaction to the people generally?—Invariably, I believe; I never knew an instance to the contrary.

4139. Are you aware whether suitors would have the power to set by jurors in case they disapproved of them?—I believe they have.

4140. Is that feeling prevalent in the manor, that they have that power?—I believe it is; I never saw it put in execution.

4141. Have you ever served on any of the juries in the manor court?—I have not.

4142. You have been present and heard several verdicts given?—I have.

4143. Do you know whether the juries generally decide according to the equity of the case?—Almost constantly; I believe I may say entirely.

4144. What is the feeling of the people with regard to that mode of giving their verdicts?—It is satisfactory to them all.

4145. Do they feel a confidence in the decisions of the jury, that they will be impartially given and according to the strict equity of the case?—I should think so; and I believe they generally give them satisfaction. I have never heard any one complain of the decisions of the juries in the manor court.

4146. Is the court house, do you conceive, a proper one for holding such a court?—I do; it was built on purpose.

4147. Have the jury a place to retire to?—They have a room opening from their box, unconnected with the rest of the court.

4148. Are they kept completely separate from the rest of the court during the time of the trial, or have they any communication with the public?—No communication whatever; the door is shut, and the bailiff of the court is placed at it.

4149. Then do you conceive the people have more confidence in their cases being tried by a jury composed of persons who are acquainted with their manners and customs, than by a person who is comparatively a stranger?—In the first place I would say, that I think it is the general feeling of the people that they would rather have a question tried by a jury of 12 persons than refer it to one, let his ability be what it may. I also think that the persons who generally, in fact always, form the jury, having a local knowledge of the persons who are suitors and defendants in the court, I think they would, without any exception, prefer their cases going before the manor court jury than to an individual.

4150. I think you stated that you lived in the manor of Killultagh?—I did.

4151. Do you live in the country part of the manor or in the town?—My residence is at Springfield, 2¼ miles, or from that to three miles, from any town.

4152. What is the feeling of the people in your neighbourhood with regard to the

the manor: are they as well satisfied with the manor court as the people who are residents in the town?—Perfectly so; it was from them principally I have got my information.

4153. Have you known any suits brought on behalf of the shopkeepers of the town of Lisburn against some of your neighbours in the country?—Yes, I have.

4154. Have you known any of these suits brought forward as a means of oppression towards the people in your neighbourhood?—Never.

4155. In case verdicts have been given against the persons you are acquainted with in your neighbourhood, was there a feeling of dissatisfaction on their part with those decisions?—If a person loses a suit he is inclined to grumble a little, but I have never heard the verdicts of the jury called in question. They wish it had been otherwise, I dare say, but nothing further than that.

4156. Is there a feeling that the jury, being composed of persons of more respectability, and of a more wealthy class perhaps than the class of life the plaintiff or defendant belongs to, that is the cause of the verdict being given against him; was there ever such a feeling?—No, I never heard of such a feeling; in fact the persons who form that jury are much the same class as a great number of the suitors of the court.

4157. Both plaintiff and defendant?—I have seen equally respectable people in the court, both plaintiff and defendant; I was defendant myself in one case.

4158. Are there any people of the humbler or poorer classes of life resident in your neighbourhood?—Yes.

4159. Have you known any persons of that class to be brought into court?—Yes, I have.

4160. And does the same feeling of satisfaction with the verdicts of the juries prevail in that class, as well as in the wealthier?—Certainly; I never knew an instance of finding fault with the verdicts of the jury.

4161. Do they feel equal confidence in the manor court?—I have every reason to think so.

4162. What is the distance of the quarter sessions town from where you reside?—About 10 Irish miles.

4163. Do you know whether the people of your neighbourhood would prefer being brought into the manor court or to the quarter sessions court?—I think they would much rather go to the manor court.

4164. Will you state the reason?—The distance is one thing; and the very great inconvenience which is generally met with by being detained there for two, three, four, or five days. The quantity of business to be done by the assistant-barrister is such, that I have known men from my immediate neighbourhood who have been kept for four or five days at a very serious expense.

4165. Mr. *Villiers Stuart.*] Is that the civil business or the criminal business generally which causes that delay?—I cannot tell which is the heavier business of the two, they are both very heavy. In a large town like Belfast there is a great deal of criminal business, and there is also a great deal of civil business, but which is the most tedious, or takes the most time, I really cannot say.

4166. Have you often been in the habit of attending the assistant-barrister's court?—I have been there occasionally; I was never summoned there.

4167. Have you found that a great deal of civil business was transacted there?—I believe so; I speak more from recollection than anything else, for I never had anything of my own to do there. At present I cannot tell whether it is the civil or criminal business that is the great weight of duty.

4168. Can you state to the Committee whether manor courts are general over the county, or whether there are only two or three?—I know several.

4169. Are you sufficiently well acquainted with the county to know whether there are districts without the privilege of holding a manor court?—I am not. I can only say I know several manor courts in different parts of the county, but whether every part of the county is presided over by a seneschal and a manor court I cannot take upon myself to say.

4170. As there are so many manor courts, which give such a frequent opportunity of settling these small debts, how do you account for there being such a great quantity of civil business at the assistant barrister's court?—Upon my word I cannot say as to that. I can only say there are very few from my own district of the county who go there. The cases are, to my own knowledge, very few.

4171. I do not mean cases of appeal, but original suits?—I cannot say the

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number of suits, but I have not known a great number; that is, 10 or 12 in my own neighbourhood, in the eight years I have constantly resided in that part of the country.

4172. Mr. *Vesey.*] Supposing the cause of action to arise immediately preceding the holding of the quarter sessions court, which court do you imagine the persons you are acquainted with would go to; would it be to the quarter sessions court or to the manor court?—I should think in my neighbourhood certainly to the manor court, for the reasons I have already given, the very great inconvenience to a farmer or shopkeeper being absent from his business or farm, and also the serious expense he is put to. I am inclined to think, indeed I know, that the manor court would be preferred generally in my neighbourhood.

4173. Even if the quarter sessions court and the manor court should be held in the same day?—Yes, certainly; that would make no difference whatever, for the expense would be the same.

4174. Is there perfect order kept in the manor court at Lisburn?—Perfect; I have never seen anything else.

4175. Is there any officer present to assist the seneschal in keeping order?—The seneschal has a registrar and a crier of the court.

4176. Have you ever noticed any attempt to create a disturbance in the court?—Never, when I have been there.

4177. I think you said there were very few cases of appeals; can you state whether there have been any from your neighbourhood?—None that I ever remember from my immediate neighbourhood, except in my own case I appealed.

4178. Will you state the ground upon which you appealed?—It was before Mr. Gregg was the seneschal, and the person into whose hands I put the business neglected to attend, and of course the verdict was found against me.

4179. Do you conceive that verdict was found against you on account of the negligence of the person you employed, or was it on account of any fault of the court?—No fault of the court whatever; merely on account of the person I employed neglecting his duty.

4180. In any cases of appeal have you known whether these appeals were entered into to save time, or on account of the party appealing denying the justice of the verdict that was given?—I believe, as far as I know, it was to gain time; but I am not conversant enough with the different appeals to enter upon that.

4181. In fact you cannot state anything of your own knowledge with regard to that?—I cannot.

4182. Then from your own knowledge of the court and the different communications you have with the inhabitants of the manor, what would be their feeling as to that court being done away with?—It would be very much against their wishes; and I might almost say among every individual of my acquaintance, certainly among the inhabitants of the manor in general, I have never heard an objection against the court; on the contrary the people are very well satisfied, and are anxious it should remain.

4183. Does that opinion prevail among the poorer classes as well as the higher?—I have every reason to think it does.

4184. From all the communications you have had with them?—Yes, from all the communications I have had with them; and I have had several.

4185. *Chairman.*] Are you acquainted with the seneschals of any other manor courts in your neighbourhood?—I am acquainted with the seneschal of the Belfast court, and with some others.

4186. Are you generally acquainted with the situation and condition in life of the seneschals in your part of the country?—Yes, I am, with several.

4187. Are they generally men of a respectable station in life?—Highly so.

4188. Do you consider it essential to the due administration of justice in manor courts, that care should be taken that persons exercising such functions should be selected from a respectable class?—Undoubtedly.

William Gregg, Esq., called in; and further Examined.

William Gregg, Esq.

4189. Mr. *Vesey.*] IN case any respectable person appears in the court leet, and demands to be sworn as a juror, have you ever refused to swear him?—Never.

4190. Do you conceive you would have the power of doing it?—I do not; I think

think every landed proprietor, and every respectable person within the manor, has the privilege of sitting in the court leet.

4191. Mr. *Villiers Stuart.*] Must he be a tenant of the lord of the manor?—He must have an interest in the property assessed for the repair of the roads or other assessments; if so, he has the privilege of voting.

4192. Mr. *Vesey.*] In case a person appeared whom you did not consider qualified to vote for a presentment for roads, what would be your course of proceeding?—Such a thing never occurred; I do not think since I have been seneschal, any person ever asked to be sworn upon the jury who was not qualified.

4193. But in case such a person did come, what would you do?—I would recommend him to leave the room.

4194. And in case he refused to do so?—I would ask him what his qualification was; whether a landed proprietor, or a respectable shopkeeper of the town, and if not qualified, I would not swear him as a juror.

4195. *Chairman.*] Do you think the qualification of respectability is one which could be easily submitted to a legal test?—I think it might in that case.

4196. What limit should you be inclined to take as the amount of property you think would qualify a person?—I think a 10 *l.* freeholder would be eligible to sit in the court.

4197. I do not speak of eligibility in a moral point of view, but of the eligibility the law confers. Do you think the law makes any distinction between a man who has a 10 *l.* interest in land, and a man who has a 5 *l.* interest?—I think the class of persons who are sworn upon those juries should be the most intelligent persons in the manor; and if I saw any person who did not possess any interest in it, I would not swear him.

4198. I understood you to say you had not the power of refusing to swear any respectable person who claimed to be sworn; do you mean to say the law would oblige you to admit that person upon the jury, or, as a matter of moral duty, you would think it fair to the parties, or to yourself, in the proper exercise of your office, to place them upon the jury?—I should say it would be a very unfair thing to put an improper, immoral character on the jury; such a man, I conceive, would not do his duty as a juror.

4199. Then you conceive the law allows you a power of selection, but you would not like to use it?—I do not conceive I have any authority to prevent a proper, intelligent person going upon the jury.

4200. Do you conceive that, supposing you were to refuse a person of that character, he would have any legal right, either to compel you to place him upon the jury, or to proceed against him for not doing so?—I should conceive that any person who is liable to be assessed under a presentment of that jury is entitled to attend.

4201. Mr. *Villiers Stuart.*] Can you state who is liable to the assessment?—Any person who holds property in the manor, in town or country.

4202. Do you mean directly under the lord of the manor, or that under tenants would be liable?—No; mere personal property, not holding under the lord of the manor, for in towns there is nothing of the kind; but in the country they are generally holding under the lord of the manor.

4203. If a sum of 50 *l.*, for instance, is presented before the grand jury, you would levy a share of that upon every individual who held personal property in the manor?—Yes. The way that levy is made is this; a list of persons being made out, it is handed over to the high constable of the barony; he lays so much upon each freeholder, or each party, as the case may be, and then it is divided according to the kind of assessment, the same proportion according to the property of each individual. I wish to observe that I conceive I have no authority to prevent a proper person going upon the jury.

4204. Supposing a large number of persons, who perhaps do not strictly come under the denomination of proper persons to serve upon the jury, came forward and demanded to be sworn, and you had information they did so for some object perhaps not perfectly legitimate; for instance, to make confusion in the court, do you think you would have the power of refusing them?—I think I should.

4205. You would refuse to swear them?—Yes, if I thought they wished to be sworn with a view of interrupting the proceedings of the court.

4206. If you did refuse them, would you state your ground of refusal, and make it clear to the people generally?—Certainly.

4207. *Chairman.*] Are you aware, whether in other courts leet in your neighbourhood,

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bourhood, the number of persons attending as jurors is generally as great as in your court?—I do not know of any other court leet than my own.

4208. Does your charter give any special power as to the holding of courts leet?—It does.

4209. I mean anything beyond the mere usual words of the court leet?—It mentions a great many things which the seneschal, as the servant of the lord of the manor, has the power of doing at those courts leet.

4210. Does it specify anything particular as to the way in which the court leet is to be constituted?—I cannot answer that question.

Veneris, 23° die Junii, 1837.

MEMBERS PRESENT.

Mr. Bridgman.	Mr. Lucas.
Mr. M. J. O'Connell.	Mr. Villiers Stuart.
Mr. Hamilton.	

M. J. O'CONNELL, ESQ., IN THE CHAIR.

Matthew Richard Sausse, Esq., called in; and Examined.

M. R. Sausse, Esq.

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4211. *Chairman.*] ARE you a member of the Irish bar?—Yes.

4212. Were you one of the Commissioners of Inquiry into the Municipal Corporations in Ireland?—I was.

4213. At what time did you conduct your inquiry?—In the years 1833 and 1834.

4214. In what part of Ireland were you employed during that inquiry?—In what was called the north-eastern division, and a part of the north-western division: the course of our inquiry was regulated very much by the circuit divisions for holding assizes throughout the country.

4215. In the course of that inquiry were you instructed to inquire into the local administration of justice in all corporate towns, or towns which had been corporate?—Yes.

4216. Had you occasion frequently to inquire into the manor courts in different towns?—Wherever we found a manor court existing in a corporate town, and exercising jurisdiction, we made it a point to inquire into it.

4217. Can you state the names of the different towns on that circuit in which you found that manor courts existed?—In the towns of Antrim, Armagh, Bangor, Belfast, Downpatrick, Dungannon, Hillsborough, Killyleagh, Lisburn, Newry, Randalstown, Augher and Clogher.

4218. Those two last are upon the north-western circuit?—Yes. In Clogher there was not one actually existing at that time; it had ceased about three years ago upon the death of the seneschal.

4219. In those several towns could you classify the several manor courts with reference to the extent of their pecuniary jurisdiction, stating the highest and the lowest?—The highest was the manor court at Hillsborough, where the jurisdiction amounted to 200 *l.*; the next in point of amount to that was held at Newry, where the jurisdiction extended to 100 marks, or 66 *l.* 13 *s.* 4 *d.* In the manor courts of Moylinny, and those held at Bangor, Belfast, Lisburn and Randalstown, the jurisdiction amounted to 20 *l.* late Irish currency; in the manor courts of Armagh, Downpatrick and Killyleagh, to 10 *l.* Irish currency; and in the manor court of Augher to 40 *s.*

4220. When you say "Irish currency," can you remember what the exact words of the charter were in those cases?—I do not remember them without referring to the Corporation Reports, which generally set out the words where they were peculiar, and where we were able to obtain a copy of the charter.

4221. Were they in the terms of "so much money current in England"?—Those were the words in the Belfast charter, and, as well as I can recollect, in the grant of the manor court of Moylinny, held in the town of Antrim.

4222. I observe the words, "not exceeding 20 *l.* current money in England," used in a note to the inquiry into the borough of Antrim: with respect to the manor court of Moylinny, was there any particular reason for those words being used

used in that way?—It was in consequence of the seneschal exercising a jurisdiction to the amount of 20 *l.* British, and having stated in his evidence at the time of our inquiry, that he had only exercised a jurisdiction to the amount of 20 *l.* Irish before the change of currency in the year 1826, after which he considered himself authorized to extend it to 20 *l.* British, and we did not conceive there was anything in the Currency Act to warrant that alteration in the amount of his jurisdiction.

4223. Have you ever heard a question disputed in a court of law, or by legal men, as to the proper construction of the words "money current in Great Britain" or "in England," either in a question upon the charter of the manor court, or in any other case in which the construction of these words came into question?—To the best of my recollection there has been some decision upon it; I am not prepared to say, without reference, which way the decision was; but my impression is, that the words "current money of England" were held in some cases in Ireland before the passing of the Currency Act to mean Irish money.

4224. But if I understand you rightly, you form your opinion as to its being only Irish money in a great degree upon the fact that, previous to the change of currency, suits were never instituted for a higher sum than 10 *l.* or 20 *l.* Irish money, as the case might be?—Not exactly; but usage would go very far to explain what the received interpretation of "current money of England" was in Ireland. My impression is, that there has been a decision in a court of law upon those words.

4225. Have you ever known an appeal from a decision of a manor court, on the ground that they had exceeded their jurisdiction, turning upon that point?—No.

4226. You do not go the north-eastern circuit?—No; I go the Leinster circuit.

4227. Are there many manor courts upon the circuit you go?—There are not many I should say. The only mode by which I could judge of their numbers would be by the appeals from them; and there are very few appeals from the manor courts upon my circuit.

4228. Hillsborough then appears to be the highest amount of jurisdiction which you found?—Yes.

4229. There are none of unlimited pecuniary jurisdiction on the north-eastern circuit?—There may, but I did not inquire into any such.

4230. Did you find in that court, which is called by the charter a court of record, the process of attachment, in common law proceedings, existed in addition to the civil bill jurisdiction, created by the statute?—Yes, the process of attachment existed in all the manor courts which we found existing.

4231. Even in the courts in which the jurisdiction was so low as 40 *s.*?—Yes; but I should perhaps add to that, that in the manor court of Augher, which was the only one exercising a jurisdiction to the amount of 40 *s.* only, which I met with, the expense of proceeding by attachment was only the same as that by civil bill.

4232. What did you find to be the general opinion of the inhabitants of corporate towns, and those who appeared before you, as to the exercise of the process of attachment, and its effects; whether they were beneficial or injurious?—The townspeople appeared to be in favour of the process of attachment being united with the civil bill jurisdiction; but there appeared to be only one opinion with respect to proceedings by attachment at common law, and that was, that the proceedings were quite too expensive, and that the courts were subject to great abuses.

4233. But if the advantage which the power of attachment gives in securing the amount of the debt to the plaintiff by the seizure of the defendant's goods; if that security were combined with cheapness and summary nature of the civil bill proceedings, do I understand you rightly to say that it would be viewed rather as a benefit than otherwise?—Yes; the only place where I found both combined, and where the expense of proceeding by attachment was not greater than by civil bill, was at the town of Augher, and there, although the court was not regular in its proceedings, it was stated to afford very general satisfaction.

4234. In the case of proceeding by attachment in the manor court, is not the appeal to a superior court by writ of *certiorari*?—Yes; the cause is removable by that means.

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4235. Is the expensive nature of that appeal considered a subject of complaint?—It appears to be a very rare occurrence indeed in the different manor courts; so rare that the expense of it does not form a ground of complaint; but I have no doubt that it would, if it had been more frequently resorted to.

4236. Was there evidence given before you as to the general amount of costs, in case of a suit, by this attachment process being carried on to its termination in the manor court?—Yes; in almost every case we got an account of the expenses attendant upon the issuing of the attachment, the expenses of a judgment by default, and upon a judgment after verdict. We found that the costs varied at the discretion or caprice of the seneschal, and that they were in almost every case very disproportionate to the general class of demands sued for in the court; we found the expenses of issuing an attachment varied from 6 *s.* 2 *d.* to 19 *s.* 1 *d.*

4237. Was there a similar variation in the subsequent costs?—Yes; we found no two manor courts the same in point of fees. The costs of a judgment by default appear to have varied from 1 *l.* 7 *s.* to 2 *l.* 16 *s.*

4238. With regard to the expenses of a suit where there is a trial and verdict, was there the same variance?—Yes; they appear to have varied from 2 *l.* 3 *s.* to 3 *l.* 6 *s.* 3 *d.*

4239. Was the amount in the court in which the scale was lowest, the same in all those three cases?—Yes; in the manor court of Downpatrick the scale appears to be the lowest in the three cases.

4240. Was it the same in the court where the expenses were the highest?—Yes, it may be said they were; there was only a difference of a penny upon the first process of attachment in the manor court of Lisburn, where they appear to have been the highest in all three.

4241. In any of these cases are you aware whether the costs are regulated by the charter?—The costs are not regulated by charter in any copy of the charters which I have seen; there were very few cases where we were able to get a copy of the charter from the seneschal. It was on our return to town, on searching the records, that we obtained the amount of jurisdiction.

4242. Is there a uniformity in the process by which the seneschals issue an attachment?—No, they all appear to differ. There were not more than two or three courts in which the first proceedings appeared to be regulated by the Act of Parliament (36 Geo. 3, c. 39), which directs that no attachment shall issue, except an affidavit be filed in the court that the cause of action arose within the jurisdiction, or that the defendant was then residing within it.

4243. What are the courts you allude to?—Downpatrick, Newry, Lisburn, and I believe Belfast, where the seneschal had been an attorney.

4244. What was the date of your inquiry into the court of Lisburn?—The 12th October 1833.

4245. Are you quite certain there were two?—Yes; I speak from the reports and from the evidence that I brought over with me.

4246. Mr. *Lucas.*] Then the evidence you are now giving is to be found elsewhere in print?—No; the facts which I am now stating are drawn a good deal from my recollection of the evidence upon this subject as compressed in my report of the north-eastern circuit, which I have with me at present in town, together with part of the original evidence taken before me and Mr. Hudson, as Commissioners of Corporation Inquiry.

4247. The evidence you are now giving as to these manor courts appears upon the face of documents printed for the information of the House of Commons, or does it rest on documents solely for your own information, or does it rest upon your memory?—It rests upon documents for my own information, inasmuch as the Corporation Reports are founded upon the original evidence which is in my possession, and which was not printed for the House of Commons; my recollection is founded upon it.

4248. *Chairman.*] In every case where you found the process of attachment issued, you considered it your duty to inquire whether an affidavit was regularly required previously to issuing the process?—Yes; in every case where we had an opportunity of doing so, we made inquiry as to whether an affidavit was regularly made.

4249. You are almost positive then, if I understand you rightly, that not more than three of those courts were regular in their practice in that particular?—Yes;

—Yes; but I shall be able to state with certainty, by reference to the original minutes of evidence which I have.

4250. Did you find the process of attachment in actual use in all the courts you have mentioned?—Yes; the process appeared to be made use of, but it was a matter of very rare occurrence to have any further proceedings taken beyond the mere issuing of the attachment.

4251. These diversities in the amount of costs are not in contravention of the provisions of any statute?—Not of any statute that I am aware of.

4252. Then the common law, if I may so call it, the custom of the place, seems to be the only rule that regulates the costs of an attachment proceeding?—So I should say from my experience. The amount of fees and costs was regulated solely by the discretion of the seneschal or the lord of the manor.

4253. That, however, is not the case with regard to civil bill costs; they are the subject of positive enactment?—Yes; they are regulated by Act of Parliament.

4254. In fact, the whole proceeding by civil bill in these courts is the creation of the statute?—Yes.

4255. Did you find a uniformity in the costs of proceedings by civil bill?—Yes, we found the costs were quite regular; there was no variation.

4255*. Did you find them to be the same in all places throughout the district, as well as you recollect?—Yes.

4256. It appears in your report that in the court at Lisburn the costs of a decree amounted to 7*s.* 8*d.*, was that the usual amount of the costs in the other courts throughout the district?—My impression is, that it was regulated according to Act of Parliament.

4257. The Act of Parliament allows 5*s.* 6*d.* for the ordinary costs of the court, 2*s.* for an attorney or agent, and 2*d.* for paper?—Yes.

4258. Are you quite certain there is no variation in the different places with regard to the civil bill costs?—I do not remember any; the invariable statement before us was, that the costs of the civil bill proceedings were those allowed by Act of Parliament, and I should say in Lisburn the costs must have been accounted for satisfactorily, or it would have been made a matter of complaint and observation; but on looking into the original evidence I shall be able to state the reason of its appearing to be more than 5*s.* 6*d.*

4259. In general you were informed that the costs charged in a suit by civil bill were those allowed by the statute?—Yes.

4260. And were you content with that general answer, or did you think it necessary to inquire further into the subject?—We were content with that answer, it always having been given in open court and upon oath, and where there were a great number of persons who could have contradicted it if untrue.

4261. Do you think there were a great number of persons who were acquainted with the Act regulating the costs of manor courts?—Yes, the costs of civil bill decrees. What I mean is, that the evidence was always taken in open court; and there were a number of persons there; frequently, almost uniformly, some professional men were there who had practised in, or were aware of the practice of the court; and if there had been any irregular practice in the civil bill jurisdiction of the manor courts I think it would have been stated. Where it was stated the practice was regular and conformable to the Act of Parliament, we did not require a return of the fees, as they are laid down there.

4262. Did you then find that in most of these courts professional persons were in the habit of practising?—In many of them professional persons were in the habit of practising, and in all of them it was stated to us that they were at liberty to practise.

4263. Did you generally inquire into the fact whether they did practise or not?—My impression is, that we did. At the attachment side, as I mentioned before, the proceeding very seldom went beyond the mere issuing of the attachment, because, upon the goods being seized, it was stated to us that the debt was generally settled; consequently, there was no occasion for the employment of an attorney in the court; but if there were any subsequent proceedings, and the parties went to trial, attornies were employed and allowed fees. In the civil bill court my recollection is, that attornies did practise. But I believe that it is, in general, considered to be rather derogatory to an attorney to practise in manor courts.

4264. In some parts of the country there is a similar feeling with regard to

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the assistant barristers' courts?—I believe there is. An attorney practising at sessions only, is considered to be in inferior practice to those who confine themselves to the superior courts of law. But it is a feeling which is fast wearing away, from the improvement in the court in point of regularity and jurisdiction.

4265. Did you make it a branch of your inquiry what class of persons were usually summoned as jurors in the manor courts?—I do not know that we made inquiries in every case, but we did in some, wherever there was any complaint made, or anything came out in evidence which appeared to make it necessary.

4266. Did you find any grounds of complaint on the subject of juries?—Yes; particularly at Antrim there were very great complaints made. It was stated to us that the jurors were taken out of the street by the bailiff; that not more than two or three of them could write their names; and that they were altogether a very unfit class to try any matter in dispute.

4267. Does the law require any qualification for jurors other than that they should be of the manor, whether tenants or residents?—I am not aware that any other qualification is required.

4268. Have you ever had occasion to hear whether even that qualification was strictly adhered to?—No; any evidence that came before us respecting jurors was, that they were taken indiscriminately off the street, but I do not think we had evidence before us respecting jurors in more than two of the manor courts.

4269. Mr. *Villiers Stuart.*] Had you any evidence stating that the respectable people in Antrim refused to obey the summons of the seneschal?—No; the mode by which the seneschal himself stated that he summoned juries was, to send out the bailiff, sometimes a little before the trial came on, sometimes as it was called on, to bring in a number of persons sufficient to form a jury.

4270. *Chairman.*] Did you learn whether order and regularity were kept in those courts?—There were no complaints made of want of order and regularity, except in the court of Antrim, that I remember.

4271. Did you generally learn whether the courts were held in regular court-houses, or what other description of houses?—Some of them were held in public-houses, some over public-houses, and others in the sessions-house, or, in some cases, in the court-house.

4272. Can you state what courts were held in public-houses?—It was stated that the manor court of Moylinny, held at Antrim, was held in a public-house; also, that the manor court of Killyleagh was held over a public-house.

4273. Was there any other court at Antrim but those?—No; I do not think there was.

4274. Do you remember where the court of Augher was held?—I cannot exactly charge my memory with where it was held, but it was stated the jury expected a drink after the verdict.

4275. Did you find it generally a complaint in those places where the manor courts were held in public-houses, or in other courts, that such a practice of treating the jury to drink prevailed?—No; there was no complaint made of the manner in which juries were summoned or acted, except in those two or three towns which I have mentioned; we did not extend our inquiries to this subject, where no complaint was made.

4275*. At Augher, where that statement was made, was it considered to lead to any unfair partiality on the part of the jurors, or was the practice so universally and impartially followed up, that no such result could arise?—My recollection is, that it was stated to be a thing which the successful party always gave.

4276. Were the seneschals of the courts into which you inquired generally, or were many of them, professional men?—I think there were but two professional men seneschals in the different manor courts which came under my notice, those were Belfast and Downpatrick, as well as I remember; I am not quite certain.

4277. Were either of those gentlemen barristers, or were they attornies?—They were attornies.

4278. Of the other seneschals, were many of them magistrates?—I do not know that they were, but at Lisburn the seneschal was a clergyman.

4279. Were any of the others magistrates?—I believe not; I generally found them to be agents or under-agents to the lord of the manor.

4280. Was the seneschal of Antrim a magistrate?—No, I think not. At Hillsborough

Hillsborough the seneschal was also the sovereign of the town, and as sovereign he was a magistrate. *M. R. Sausse*, Esq.

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4281. Did you not often find that to exist in the north-eastern circuit, the corporate and manor offices going together; for instance, the borough court in many cases superseded by the manor court; the charter which created the manor at the same time creating the corporation?—Yes, where the lord of the manor was also patron of the borough, we found that the borough court had fallen into disuse, and that there were but few traces of its existence.

4282. And in general where there was a manor court with jurisdiction in the borough, was not, at the same time, the patron of the borough generally the lord of the manor?—I should say generally he was; I think in every case except Downpatrick and Killyleagh.

4283. Were you informed of a practice existing of seneschals who were not legal persons calling in the assistance of a legal person as assessor, when either the amount of the sum or the peculiar difficulties of the case rendered it advisable he should do so?—No; there was no instance of that kind.

4284. Were you informed of any inconvenience arising from the want of legally educated persons to act as judges in these courts?—Whenever complaints were made of the mode of administering justice in the manor, it was put upon that ground.

4285. If it should appear that a lamentable ignorance of the laws under which they act has prevailed among any portion of the seneschals, should you not attribute it to a want of education suitable to the functions they had to administer?—Certainly; wherever there was a legal person or a magistrate as a seneschal, we found the manor court conducted in quite a superior manner from what it was in the other courts where the seneschals were not acquainted with the laws professionally.

4286. In those courts where the seneschals were attornies, were they generally in the habit of practising as attornies in the neighbourhood where their courts were held?—I am not able to say. As well as I remember there were only one or two seneschals in the course of my circuit who were professional men.

4287. Do you not consider that it would be prejudicial to the due administration of justice to have the seneschal of the court practise professionally in the district over which that court has jurisdiction?—I should say so, certainly.

4288. And if the practice had prevailed and inconvenience had been felt from it, is it not probable you would have heard of it in those cases?—Yes; it is probable I should have heard of it. I may mention that at least the Government appears to have acted upon that impression, for an assistant barrister is not now allowed to preside over a county upon his own assizes circuit; so that in the superior local courts, the judge is not allowed to act as a barrister in the district over which he presides.

4289. Do you think the law which allows a person to be appointed seneschal, without requiring any qualification or legal fitness, requires any alteration, and if so, what would you suggest?—I should say if it were expedient to continue the manor court jurisdiction, that no person ought to be appointed who was not a professional man.

4290. Do you limit the term "professional man" to barristers, or do you think that attornies would be qualified?—In the manor courts, they have exactly the same cases to try as in the civil bill court; and as at quarter sessions the legislature has considered it necessary to appoint a barrister to try civil bills, I think he would be equally necessary to preside over the manor courts.

4291. In some cases an unprofessional person in the manor court has a jurisdiction much exceeding that of the assistant barrister?—Yes.

4292. The seneschal of Hillsborough has a jurisdiction ten times as great as the assistant barrister has even under the Act of last session, which more than doubled his jurisdiction?—In most cases the assistant barrister has now jurisdiction to the amount of 20 *l.*

4293. But in ordinary cases the seneschal at Hillsborough has tenfold the jurisdiction of the assistant barrister?—Yes.

4294. And at Newry more than three times as great?—Yes, three times greater than the assistant barrister's highest jurisdiction in similar causes of action.

4295. Most of the other courts which you inquired into on the north-eastern

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circuit have a jurisdiction equal or nearly equal to that which the assistant barrister has?—Yes, the greater number of them have a 20 *l.* jurisdiction.

4296. Then, until last year, their jurisdiction was double that of the assistant barrister?—Yes.

4297. Do you not consider then, if their jurisdiction is to be left as extensive as they are now, it is imperatively necessary that some steps should be taken to secure the fitness of the judges?—I think there ought.

4298. Mr. *Villiers Stuart.*] Have you given much consideration to manor courts in Ireland, as to their utility; or was it merely during your tour to examine into the corporations?—It was merely upon my appointment as commissioner that my attention was first called to them.

4299. Can you give any opinion as to their being essentially useful in Ireland?— I should say, that from the increased extent of jurisdiction of the assistant barristers, and from the great number of towns at which sessions are, under a recent Act, empowered to be holden for civil bill proceedings, the necessity for manor courts has been almost entirely done away with.

4300. Mr. *Lucas.*] Have you resided much in the country?—Yes.

4301. For what period?—Continually, until about eight years ago.

4302. Do you speak from your general knowledge of these manor courts as respects the feeling of the country?—I cannot say there are any manor courts in active existence in my immediate neighbourhood.

4303. Have you had, during your residence in the country, an opportunity of witnessing the effect of the manor courts with reference to the transactions of the rural population generally?—No; I do not think I was ever in a manor court more than two or three times.

4304. *Chairman.*] In what county have you resided?—In the county of Tipperary.

4305. Near Carrick-on-Suir?—Yes.

4306. That is rather a busy part of the country?—It was a considerable market town.

4307. And is so still?—Yes; there is a very considerable export trade.

4308. And a good deal of dealing between the shopkeepers of the town and the farmers of the country?—Yes.

4309. Have you ever found them complain of the want of local jurisdiction?—Yes; the complaint has frequently been made, and a memorial was forwarded to the Lord Lieutenant to have a quarter sessions appointed to be held in the town of Carrick-on-Suir for hearing civil bills, and the prayer of that memorial has been granted. I think there are now two sessions in the year to be held in Carrick-on-Suir. The population, I believe, is somewhere about 10,000.

4310. Is it not situated in two counties?—Yes; but there are between 7,000 and 8,000 inhabitants in the part which is in Tipperary, the rest are in the county of Waterford.

4311. Mr. *Lucas.*] Then your experience in the country has been rather where manor courts have not existed than where they have existed?—Yes; only one manor court existed in my neighbourhood, and that existed in the town of Carrick-on-Suir; but it has fallen into disuse some years; several years.

4312. Then your experience goes to the operation of the want of manor courts?—I cannot say that I heard a wish ever expressed for the existence of a manor court.

4313. But your experience rather regards the absence of manor courts than their existence?—Yes; certainly.

4314. *Chairman.*] How long is it since the manor court of Carrick-on-Suir fell into disuse?—I should say it is about eight years, or rather longer.

4315. Did you ever hear any complaints in consequence of its cessation?—No.

4316. Then, though you are speaking as to the absence of a manor court in your district, you cannot say much as to the want of it?—I never heard the want of one complained of. The court at Carrick-on-Suir was very properly conducted, I believe, by the seneschal, who was an attorney.

4317. Was it one of extensive local jurisdiction?—I think the jurisdiction was extensive. It was one of Lord Ormond's manor courts.

4318. Mr. *Villiers Stuart.*] Do you know why it was discontinued?—I have heard from the seneschal that there were so few cases coming to be tried there, that it was not worth his while keeping it open and losing his time.

4319. It was the seneschal who gave up the office?—I do not know that he has given up the office; but he has discontinued holding the court.

4320. *Chairman.*]

4320. *Chairman.*] If manor courts in themselves are good, they ought to be as good for one part of the country as another; ought they not?—I should say so. There would be a greater wish felt for them.

4321. Are you aware that, besides the places in which these courts have fallen into disuse, there are many other places which never had any manorial or local jurisdiction at all?—There are many places where there has not been manorial jurisdiction at all; and there are manors where the jurisdiction has never been carried into effect.

4322. Mr. *Villiers Stuart.*] Do you recollect what the pecuniary jurisdiction of the manor court of Carrick-on-Suir was?—No, I do not. It was a limited amount, to the best of my recollection.

4323. Was it less than that of the assistant barrister?—My recollection is, that it was about the same as what the assistant barrister had at that time.

4324. Could you state to the Committee, whether the inconvenience of the jurisdiction not being equal to that of the assistant barrister, was the cause of the people of the town preferring his court, and applying to the Lord Lieutenant to have the assistant barrister hold his court there, instead of applying to the seneschal to re-open his court?—I should say, the ground of applying to the Lord Lieutenant was the great satisfaction which exists with the mode of administering the laws in the civil bill courts; and I should think, from all I have heard, the idea of the manor court never entered their minds.

4325. You think there was a decided preference, then, in favour of the assistant barrister's court?—Yes, I found the same everywhere.

4326. Have you ever heard it stated that the seneschal's court had the advantage of a jury, and that it was so far preferable?—No, I never heard that stated as an advantage. The only advantage which the seneschal's court was stated to have over the assistant barrister's was, that of the proceeding by attachment, which, in the first instance, secures the debt. It is like giving bail to the action in a superior court. The goods of the party are seized for the amount of the debt, and the goods, if not bailed, remain in the custody of the seneschal's bailiff or of the plaintiff until the trial is over, or until judgment by default is had, or until the parties settle the matter between them; and everywhere that an opinion was expressed with respect to the constitution of the courts in towns, it was alleged that if to the civil bill process the power of attaching goods in the first instance upon affidavit of an apprehension of the debt being lost, was added, it would render the civil bill courts still more advantageous to the country. That opinion was always stated in towns. I do not know what the opinion of the rural part of the population would be; I should, perhaps, say the contrary.

4327. *Chairman.*] Was not this advantage once stated to you as possessed by the manor court over the assistant barrister's court, the certainty that the party attending it would have of the time at which his case would be likely to come on; whereas in the assistant barrister's court he might be detained one, two or three days?—I do not exactly remember that it was ever stated. That advantage would merely arise from the accident of there being fewer cases to be tried before the manor court. The manor court is held more frequently; it is held from three weeks to three weeks, and so far I have no doubt in many cases it would be considered an advantage.

4328. With regard to the case of Carrick-on-Suir, was the manor court, when it was held there, held every three weeks?—I cannot say positively; but the general form of the patent is to hold the court from three weeks to three weeks.

4329. The seneschals are empowered to hold the court from three weeks to three weeks, but they are not bound to hold it so often?—In practice I believe they hold it every three weeks, as it increases their emoluments. They had held it from three weeks to three weeks in all the manor courts I inquired into.

4330. And in compliance with the prayer of their memorial, the people of Carrick-on-Suir are now to have a civil bill court at the quarter sessions every six months?—It certainly is once a year. I rather think it is twice.

4331. Then they preferred seeking for the assistant barrister's court to be held every six months to seeking for the manor court to be held every three weeks?—Certainly.

4332. In case of any enactment upon the subject of manor courts, confirming or regulating their jurisdiction, do you think the legislature ought to provide for those places which have no local courts of this nature, courts of the same frequency, and with the same general character?—I should say the assistant barrister's

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rister's court being held every three months is quite sufficient for all the purposes of the community. There are statutes which enable wages to be recovered in a very summary manner; and cases arising from trespass or contracts between parties can, I think, very well remain undecided for, at the shortest, a period of three months.

4333. Now, with regard to Carrick-on-Suir, supposing the barrister's court is held there every six months, how far is the nearest sessions town?—The nearest sessions town, where the sessions were held twice a year before, was Clonmel, and that is 11 miles. The other town was Cashel, which I think is 21 miles; and before that memorial was complied with under the provisions of the recent statute, the suitors were obliged to go either to Cashel or to Clonmel.

4334. Mr. *Villiers Stuart.*] Do you think it would give more satisfaction if the assistant barristers were obliged to have the assistance of a jury in civil bill cases?—I do not. My experience of the civil bill court is not very great; but I never heard a wish expressed for a jury in cases of contract. They would certainly add very much to the delay, and consequently to the expense of the suitors in the civil bill court, for they must remain in town with their witnesses for a longer period.

4335. *Chairman.*] You say you have not much experience of the assistant barrister's civil bill court?—No.

4336. Have you ever known the assistant barrister in a disputed case, where there was contradictory evidence, swear a jury of two or three persons from among the by-standers?—I have not. He is empowered to swear a jury to try a disputed fact; but that jury should, I think, consist of the usual number, 12 persons; a jury of two or three persons may be empannelled by consent of the parties, but, otherwise, it strikes me to be an irregular proceeding.

4337. Are there not particular cases in which the assistance of the jury is of great advantage; for instance, cases which turn upon the peculiar local customs of the country; the bargains between buyers and sellers at a fair, and several other things of that sort, which vary in almost every county, and sometimes in different parts of the same county; are these not cases in which persons acquainted with the local customs of the country must be most useful assistants to the barrister to enable him to decide between the parties?—They no doubt would be more competent than a barrister to decide upon local customs, if he had not the advantage of evidence of those local customs; but if evidence of the customs is given clearly, and by a credible witness, I should think the barrister would get as much assistance in that way as he would from a jury.

4338. Suppose there are two credible witnesses, one on each side?—The jury then are judges of the witnesses' credibility.

4339. And not only judges of the credibility of the witnesses, but of the facts themselves?—Yes. But in such a case I think a juror, who is cognizant of the fact, should give evidence as a witness, to allow of cross-examination.

4340. In the case of the court of Moylinny in Antrim, which you mentioned, that appears to be the subject of particular remark in the evidence upon the corporate inquiry?—Yes; there appeared to have been a greater number of abuses connected with the administration of justice in that court than in any other.

4341. In your report you say, "It was stated by a respectable practitioner, and by other witnesses, as well as in great part admitted by the seneschal himself, that he had, upon the change of currency, extended his jurisdiction from 20 *l.* Irish to 20 *l.* British?"—Yes, he admitted that.

4342. If I understand you rightly, that appears to have been done in several other cases?—I cannot say in several other cases; it was done in some other cases. In Belfast, upon the change of currency, the jurisdiction was increased to British money. As well as I recollect, the patents are the same; both courts are held under the same patent. The object of extending the jurisdiction was to enable the seneschal to arrest a party upon mesne process, subsequent to the 10 Geo. 4, which prohibited the arrest of a person for any sum under 20 *l.*, and that was 20 *l.* British.

4343. It would appear, however, that in Belfast the seneschal did so from the ambiguity of the terms used in the charter, with regard to "current money of England?"—Yes; it gave him the opportunity of increasing the jurisdiction with the apparent sanction of the words of the charter in his favour.

4344. With regard to the manor of Moylinny, it is also stated, "that the seneschal,

seneschal, on the passing of the Prison Act, 7 Geo. 4, c. 74, in violation of its enactments, made committals to the county prison, though he had not the power of arrest, for upwards of two years;" do you remember that?—Yes; the seneschal stated that he had not exercised it before till a very recent period, and for 22 years he had been seneschal of the manor.

4345. Do you remember the time within which it is required, by the 96th section of the Act, that the power should be exercised, in order that the provisions of the Act may continue that power?—Six years; it was in consequence of that enactment that the remark was made.

4346. Are you aware whether, between the passing of the Act and the 1st January following, he made any committals in order to revive that power? Because, if I understand the words of the Act rightly, though it would be a violation of the spirit of the law, it would not violate its letter if the power had been so used?—No; my recollection is, that it was very recently, before the holding of our inquiry, that he had exercised the power.

4347. For the first time?—Yes.

4348. Have you the evidence upon that subject in town?—Yes.

4349. It was also stated that causes of action had been split where they exceeded 20 *l.*?—Yes.

4350. Was that clearly proved?—Yes.

4351. Did he admit it himself?—Yes.

4352. Is not that strictly contrary to law?—I think it is.

4353. Is there any penalty which can be enforced upon a seneschal, or any other judge presiding in a court, who permits the splitting of actions?—I am unable to answer the question from recollection.

4354. It was also stated, "that causes of action were entertained which had not accrued within the manor;" was that stated to be a matter of frequent occurrence?—The charge was made generally, and was supported, I think, by two particular instances.

4355. Were there any particular circumstances stated with regard to those causes of action not accruing within the manor, as to doubtful boundary, or as to the neighbourhood of the spot, or whether either of the parties in the case resided within the manor?—The charge as made against the seneschal was, that the cause of action accrued at Randalstown, which is in a distinct manor. As to the residence of the defendant, I cannot exactly state without having the evidence before me.

4356. It would seem, *primâ facie*, that the defendant must be resident within the manor, or the process could not be enforced. Do you remember whether it was a civil bill process or a common law process?—It was a common law process. The complaint made was, that the seneschal was in the habit of exceeding his jurisdiction, and that case was adduced as an instance. It was also alleged that there was no affidavit required before issuing the attachment, which is quite contrary to the Act of Parliament (36 Geo. 3, c. 39).

4357. There were also complaints made with regard to the seneschal signing his name to blank forms of attachments, and selling them for so much a dozen; was that substantiated?—That was sworn to by some person; I cannot exactly say what his condition in life was; my recollection is that he was respectable; he stated that he purchased them of the seneschal: the seneschal had subsequently an opportunity of answering the complaint made against him, and he stated that he had no recollection of the fact. The period at which the sale was said to have taken place, I think, was about five or six years preceding our inquiry.

4358. Was that the only answer the seneschal gave; that he had no recollection of the fact?—My recollection is, that that was the answer; that he did not deny it positively.

4359. It was further stated that he had no fixed mode of proceeding, and kept no record or books belonging to his court; and that, consequently, in a case of Gault *v.* Murphy, where a *certiorari* issued to remove the proceedings to a superior court, the plaintiff lost his debt, as there were no documents from which the necessary return to the writ could be framed?—Yes, that was clearly proved by the attorney for the plaintiff.

4360. You state, also, that you annex the proceedings in that cause of Gault *v.* Murphy to your report?—Yes.

4361. Have you got them in your possession now?—I have them in town.

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4362. The law strictly requires that a record or book of the court should be kept; does it not?—Yes; under the 25 Geo. 3, I think, the records of all causes tried, and the proceedings in every manor court, must be returned to the clerk of the peace at stated periods, under a penalty.

4363. The 25 Geo. 3 refers to the civil bill jurisdiction which that statute creates?—Yes.

4364. But previous to, and independent of that statute, which seems not to affect the old common law jurisdiction, does not the very constitution of a court of record by the charter render it imperative upon the seneschal to keep a record of the court?—Certainly; he is bound to do it. There being no return to the writ of *certiorari* in that very case of Gault *v.* Murphy, shows the necessity of it, for the plaintiff, in consequence, lost his debt, it not having been possible to make up any return.

4365. It was also stated, that the same seneschal was in the habit of considering the cause at issue immediately on bail being given to the attachment, so that upon a notice of three, or even of two days, trial could be had. Was that proved to the satisfaction of you and your brother commissioner?—That part is his own evidence.

4366. What is the law upon this subject. Is there any fixed rule, or does it vary according to the charter or custom of the manor?—There is nothing in the charter beyond empowering the lord of the manor to appoint a seneschal and hold the court from three weeks to three weeks. There is no settled form of proceeding among the seneschals, and we found the practice vary in almost every court.

4367. But do you think that practice, of considering the cases at issue immediately, prevails in any other court but that of Antrim?—I think that was the shortest, the most summary proceeding.

4368. It was further stated that the seneschal had no scale of fees, but added to the debt recovered originally a sum both for his own demand and the costs of the party; did he admit that himself?—Yes, he said he had no scale of fees; and in one case that was brought before us, he allowed a sum of five guineas to the attorney for the plaintiff, and he said he thought he had at least as much trouble as the plaintiff's attorney had, and he ought to be allowed as much money, and accordingly he included a similar sum in the warrant for himself, and this amount was levied off the defendant.

4369. Ten guineas for costs?—Yes.

4370. What was the amount of the sum recovered under that warrant?—The original amount was 35 *l.* odd, which was split into two causes of action of 17 *l.* odd, whatever the half of it was, and the whole amount, if I am correct, (which the notes of the evidence will ascertain,) would have been 27 *l.* odd.

4371. Mr. *Villiers Stuart.*] Are you aware whether he had given security according to the Act of Parliament for the performance of his duties?—I cannot charge my memory, but I dare say the notes of evidence will show whether he did or not. We made it a matter of inquiry.

4372. *Chairman.*] There are also complaints stated in your report with regard to the civil bill jurisdiction, "that it was alleged that he had refused to receive an appeal, as given by the Act, to the judge of assize;" was that stated before you?—Yes; it was sworn to positively by an attorney who practised in the court.

4373. But you add that the seneschal denied the charge?—Yes; my impression is, that he denied it.

4374. Did the attorney who swore to that fact state that he had himself offered the appeal to him, and that it had been refused?—That is my recollection.

4375. It is also stated, that "in a case where he had received an appeal, which was founded on the fact of his having entertained a cause of action accrued out of his jurisdiction, the appeal was disposed of by the judge in consequence of the seneschal's omission to lodge with the clerk of the peace of the county (as required by the 27 Geo. 3,) a copy of the patent under which he acts?"—Yes; that was distinctly stated.

4376. Was it stated whether, in consequence of that omission, his sureties were proceeded against in any way?—No; there was nothing of that kind stated before us.

4377. Was the penalty inflicted by the Act of the 27 Geo. 3, for not having lodged

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lodged the patent, ever enforced or sought to be recovered?—It did not appear whether it was or not. *M. R. Sausse, Esq.* 23 June 1837.

4378. It was stated that the seneschal was an old man?—Yes.

4379. Not in possession of the full use of his faculties?—He was a very eccentric, hasty old man. His impression appeared to be, that he was not responsible for anything; he made the plaintiff do everything at his own peril.

Mr. *William Gregg*, called in; and further Examined.

4380. *Chairman.*] IS that paper which you now deliver in as a list of the jurors who attend the court leet of the manor of Killultagh a correct one, to the best of your belief?—It is. *Mr. W. Gregg.*

[*The same was delivered in. See* Appendix.]

4381. Was it forwarded by the registrar of the court?—Yes, it was; but it was made out by the secretary.

4382. Is this form of circular a correct copy of the one used for summoning jurors to the court leet?—It is.

4383. And is that printed form of warrant a correct copy of the form of warrant used for the same purpose?—It is.

[*The same was delivered in. See* Appendix.]

Martis, 27° die Junii, 1837.

MEMBERS PRESENT.

Mr. Bridgeman.	Mr. Jephson.
Mr. M. J. O'Connell.	Mr. Lucas.
Mr. Hamilton.	Mr. Villiers Stuart.

VILLIERS STUART, ESQ, IN THE CHAIR.

Matthew Richard Sausse, Esq., called in; and further Examined.

4384. Mr. *Lucas.*] HOW long have you been called to the bar?—Eight years last Trinity Term. *M. R. Sausse, Esq.* 27 June 1837.

4385. I presume you have attended pretty constantly to the business of your profession, in Dublin, since that time?—Yes.

4386. During the intervals of the terms, I think you said you reside in the country?—No, I cannot say I reside in the country.

4387. I thought you resided in Tipperary?—Yes, before I was called to the bar; since I have been called to the bar, I have resided in Dublin, except when I have gone down to the county of Tipperary for a short time during the circuit, or during the vacation.

4388. Then you have not resided in the county of Tipperary?—Not during the period I have mentioned.

4389. Your residence in Tipperary is confined to occasional visits to your friends?—Latterly it is, but I also go down to it on my circuit.

4390. You go the circuits, I presume?—I go the Leinster circuit, to which the county of Tipperary belongs.

4391. And, generally, you give the same attention to the business of your profession, in the law courts and on the circuit, as other gentlemen of your profession do?—Yes.

4392. And therefore you are a good deal removed from the country?—Yes.

4393. You mentioned you were acquainted with a manor court in the county of Tipperary, which is now disused?—Yes, the manor court of Carrick-on-Suir.

4394. It has been disused how long?—I cannot say exactly the number of years, but it was disused, as well as I remember, before I was called to the bar, which is eight years ago.

4395. Then your acquaintance with the court of Carrick-on-Suir was at an early period of your life, before you were called to the bar?—Certainly.

4396. Were you in the occupation of land at that time?—I was not myself; my father had very considerable property there.

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4397. Then your knowledge and experience of that manor court was in the way of general information, not for any particular business you had with it?—I mentioned, on the last day, that I had never been in the manor court more than two or three times; I merely went in to see it; and that as to the proceedings of the manor court at that period, I was quite unacquainted with them. The only ground or reason why I mentioned it was, that I was asked whether I knew any court in my own neighbourhood, and I stated that was the only one I had ever known to be in existence, and it had been disused for some years; but I could not state any of the proceedings of the court, as I never attended it.

4398. Then you cannot state whether the court was good or bad, except from a general impression that if the court had been a convenient one it would have been continued?—I cannot state more than this, that it has been disused, and that I heard from the seneschal that he gave up holding the court because it gave him trouble without paying him, so little business was done. That is the only thing I can say about the court.

4399. So that the mention of that was incidental?—Yes; I had no idea of mentioning it.

4400. Not professing any peculiar knowledge of that court?—Not beyond what I have stated.

4401. There was no other court in the neighbourhood in which you resided previous to your being called to the bar?—Not that I am aware of; I rather think not.

4402. So that from your knowledge of the country generally, you cannot give any information of the practice of those manor courts?—No, except what I stated with respect to Carrick-on-Suir, which was the only court I ever knew in my neighbourhood.

4403. What you have stated of your own knowledge is confined to one court alone, that of Carrick-on-Suir, which you mentioned incidentally, and your knowledge of it, whatever it might be, was previous to your being called to the bar?—Certainly.

4404. May I ask at what age you were called to the bar?—I was called in 1829.

4405. At the usual age at which gentlemen are called to the bar?—Yes, I believe so.

4406. After having finished your previous education?—Yes.

4407. I believe the county of Tipperary, in which this manor court was situate, is mostly a grazing county?—Not exactly in that part of it.

4408. Is the character of it generally pastural or agricultural?—Agricultural, in that part.

4409. I believe it is a county in which disturbances are very frequent?—Not in that part; there have not been any in my recollection.

4410. I speak of the county of Tipperary generally?—Yes, in the northern part of it; Carrick-on-Suir is on the borders of the counties of Kilkenny, Waterford and Tipperary.

4411. I am not directing my question to Carrick-on-Suir, or to that manor court, but to the state of the county of Tipperary generally, according as your general knowledge may enable you to form an opinion; the county of Tipperary generally, I believe, is considered a disturbed county?—It has been considered so.

4412. During many years past?—Yes.

4413. During the whole of your recollection?—I should say so, since I have been called to the bar, from the business at the assizes; and from all I have read in the newspapers, I should say it has.

4414. It is a county in which outrages take place more frequently than in any other county of Ireland, speaking generally?—So I have heard.

4415. It has a large establishment of police?—I believe so.

4416. And has had for many years?—Yes.

4417. Is not the county of Tipperary remarkable, taking its extent and population into consideration, for the number of murders and other outrages which take place, in comparison with the other counties in Ireland?—I am not capable at present of forming an opinion; there have been a great number of homicides from the quarrels which take place at fairs, but I am not able to draw a comparison between it and other counties, for I have not attended to the statistics of Ireland in point of crime.

4418. Have you ever looked to the state of crime in that county?—No.

4419. Have

4419. Have the ordinary assizes of the judges been sufficient for the trial and punishment of offences in the county of Tipperary, or have special commissions been sent down there?—Never, in my recollection; the assizes have been sufficient.

4420. You cannot state from your own knowledge whether the county of Tipperary is or is not more abundant in crime than other districts of the same extent in Ireland?—I cannot say positively; I know there has been a great deal of crime in the way of homicide in Tipperary, but I rather think not more than in the adjoining counties of Limerick, and, as well as I remember, of Cork.

4421. Tipperary is a county where agrarian outrages have occurred frequently?—Yes, I have heard so.

4422. The manor court of Carrick-on-Suir, I presume, like any other manor court, administers justice by means of juries?—I never saw any proceedings in the manor court of Carrick-on-Suir; I went into the court two or three times, but it is so long ago that I do not remember the mode of administering justice; I did not attend to it at that time, nor can I give any answer, except as a mere matter of inference, that it was similar to other manor courts.

4423. Manor courts in general administer justice by means of juries?—Yes.

4424. Is the county of Tipperary one in which the class of population likely to be summoned as jurors to manor courts is one peculiarly fitted, or very well fitted, for that office, considering the state of the county?—I have a difficulty in answering the question generally as to Tipperary, knowing only the locality of one manor court; but if I were to judge from what I know of that manor, I should say there could not be a more intelligent set of jurors.

4425. I put the question generally, without reference to any particular place?—I should say there could be a very intelligent class summoned to attend at the manor courts.

4426. Then the state of the country is not likely to interfere with the due administration of justice?—I should say not.

4427. *Chairman.*] Do you go the circuit in which Tipperary is included?—Yes.

4428. When attending that circuit, have you found the juries have not done their duty in the cases brought before them?—No; on the contrary, in the last three years particularly, I have heard it stated by every one that juries never did their duty so well; Tipperary juries have been in my recollection always remarkable for doing their duty well.

4429. And the cases that were generally brought before them were generally those of outrages which had been committed?—Yes.

4430. Not such cases as would be brought before the manor court?—They were criminal cases; civil cases merely are brought before the manor courts.

4431. If the juries are disposed to do their duty in criminal cases, you would be rather inclined to think they would be even better disposed to do their duty in cases of a mere pecuniary nature?—Certainly.

4432. So that if there were a disposition in the county of Tipperary not to do their duty in criminal cases, you would see no reason why they should not look after their own interests, which would be very much concerned in doing their duty as jurors in the manor court, where only pecuniary matters are in question?—Certainly, I should say they would do their duty; I never heard an instance to the contrary.

4433. You have not formed your opinion as to the manor court of Carrick-on-Suir not being an efficient one from the circumstance of the juries at Tipperary not being as well inclined to do their duty as the juries in any other part of Ireland?—No, certainly not; my reason for thinking the manor court of Carrick was inefficient for the purpose of giving satisfaction to the public in the administration of justice was, that I heard from the seneschal that the court was not resorted to. The seneschal certainly was a very proper, worthy and intelligent man; he is also a professional man, and very much respected; and I think if the court had been one which the public generally were anxious to resort to, they would have resorted to it; but instead of doing so, they appear to have resorted to other tribunals, such as the assistant barrister's court; it was from want of business in the court that it was disused.

4434. Do you know what the extent of the Carrick-on-Suir manor court was beyond the town of Carrick?—No, I cannot say; my impression is that it was extensive.

4435. Mr. *Lucas.*] Has intimidation had any effect in interrupting the course

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of justice in Tipperary, within your knowledge?—I am not aware myself of any case in particular; I heard that witnesses were threatened in criminal proceedings.

4436. You cannot state generally whether, from your knowledge as a barrister there, or as a private gentleman, intimidation has or has not had a perceptible effect upon the course of justice?—I should think it had more than it has now; and from cases which occur occasionally at the assizes, of parties not appearing, I should say they have been either intimidated or bought off.

4437. Do you not think that sort of thing would apply to the course of justice before manor courts?—Certainly not.

4438. The nature of the cases to be tried there would prevent intimidation from having any effect there?—Yes, I think so.

4439. A witness would have no more hesitation in giving his evidence against his neighbour there than in any other part of Ireland?—In my opinion he would not; I may observe, that I have seen before the assistant barrister's court a great spirit of litigation evinced, and I have never perceived any difficulty to exist in the way of witnesses giving their evidence.

4440. You do not think then that intimidation would have any effect, or a prejudicial effect, upon the course of justice when cases are to be tried in the manor court by a jury, along with a judge?—I do not think intimidation would have any effect in such a court.

4441. Mr. *Hamilton.*] You are one of the Crown counsel, I believe?—I am one of the supernumerary Crown counsel on my circuit..

4442. *Chairman.*] There is a good deal of trade at Carrick, is there not?—Yes, there is a very considerable export trade.

4443. Consequently, there must be considerable money transactions between different parties there?—Yes.

4444. And it must be an object to have a ready means of obtaining a recovery of their debts?—No doubt.

4445. How, under these circumstances, do you account for that court having so little to do as it appears to have had?—I think it must have arisen from the satisfaction which the public derive from the course of administering justice in the assistant barrister's court; the natural feeling of confidence which a competent barrister presiding over a court, instead of either an attorney or any other person, would necessarily create in the public mind.

4446. I think you say this court has not been held by the seneschal for some years?—No.

4447. Consequently, at the period at which it ceased to be held the inhabitants of Carrick-on Suir were without any small-debt court at all?—They were.

4448. It could not therefore happen from any preference to the assistant barrister's court that the manor court ceased to be held, since they had not, until within a very late period, the assistant barrister's court to resort to?—Although the inhabitants of the town of Carrick-on-Suir had not the assistant barrister's court to go to in their own town, they had the assistant barrister's court in Clonmel and Cashel, which were the sessions towns in the division of Tipperary, in which Carrick is situate.

4449. How far is Clonmel from Carrick-on-Suir?—About 11 miles; 10¾.

4450. How often had they an opportunity of recovering their debts there in the course of the year?—Twice a year in Clonmel, and twice a year in Cashel.

4451. How far is Cashel from Carrick?—Twenty miles.

4452. So that, in your opinion, it was from a preference to the assistant barrister's court that parties ceased to apply to the seneschal's court at Carrick-on-Suir?—Yes, I think so.

4453. Are you aware of an application having lately been made to the assistant barrister to hold his court at Carrick-on-Suir?—Yes.

4454. Can you state to the Committee in what class of life the parties were who made that application; whether they were in the lower class, such as would be likely to be suitors in the seneschal's court, or of a higher class, who would have matters beyond the jurisdiction of the seneschal's court?—I did not see the names; but my impression is, from having been a party instrumental in getting up the memorial, that it was from the middling class, the shop-keeping class, who would have an immediate interest in having a court in the

the town, for the more speedy recovery of their own demands from the country people.

4455. Mr. *Jephson.*] What was the extent of the pecuniary jurisdiction of the manor court at Carrick?—I am unable to say.

4456. Can you say whether it exceeded 40 *s.*?—I cannot take upon myself to say what was the amount of it.

4457. What was the territorial extent of the manor over which this court had jurisdiction?—I am unable to say.

4458. Did it include the town of Carrick and a great portion of the country round it?—My impression is that it did.

4459. In what profession was the seneschal?—He was an attorney.

4460. A practising attorney?—Yes.

4461. Is he considered a respectable person and in much practice?—I do not think he is in a great deal of practice, but he is a very respectable attorney; he was my father's attorney.

4462. Is he an attorney who practises in the sessions court?—No, he never has.

4463. You say you never heard any complaint made against the character of the seneschal?—Never.

4464. Did you ever hear any complaint made of the mode in which justice was administered in that court while it existed?—No, I cannot say I did.

4465. How long has that court ceased to exist?—It must have ceased more than eight years.

4466. You had been residing in the neighbourhood up to that time?—Yes.

4467. And you never heard any complaint either against the seneschal or the mode of administering justice in that court?—No.

4468. Are you aware of the mode of administering justice in the manor court, and that it is by means of a jury?—Yes.

4469. I think you stated there would be no difficulty in getting a good class of jurors in the town of Carrick?—No, I think not.

4470. All cases that are brought before the manor court are decided, not by the seneschal, but by a jury, are they not?—Yes.

4471. The jurors, consequently, being the inhabitants of Carrick, would themselves have been the persons to administer justice in cases of differences arising among themselves or their neighbours?—Yes.

4472. Any want of confidence then which existed, and which caused the disuse of that court, would seem rather to have arisen from a want of confidence in each other than from a want of confidence in the court or in the seneschal?—I am not able to say exactly what the cause was which made the court fall into disuse beyond what I have stated before, that the seneschal mentioned that he did not think it worth keeping open, as there was so little business that it did not pay him, and it gave him a great deal of trouble. He had a room fitted up in the old castle of Carrick-on-Suir as a court.

4473. Was the court held regularly while it existed?—I fancy it was.

4474. You state, then, there was a court in Carrick, in which the inhabitants themselves were the jurors, which was fairly administered, so far as you have ever heard, where all cases were tried that were brought before them, which was held regularly, for anything which you know to the contrary, and yet fell into disuse, as you suppose, from a preference on the part of the inhabitants to have their cases tried at a court distant 11 or 20 miles, and only held twice in a year at each place; can you account for such a preference?—I can only account for it as I did a few questions ago, that the public generally feel greater confidence in the administration of justice by a barrister than by an attorney, or any person who is not professional.

4475. General confidence must arise from experience in the proceedings of the court; you have stated that you never, during your long residence near that court heard aught against it; will you explain in what respect you think confidence was not felt in it?—I spoke of confidence, not with reference to the integrity of the individual presiding over the court, but as to his capability of administering the laws; and I think there is a strong feeling of superior confidence in the administration of justice by a barrister to what there would be in the administration of justice by an agent of the landlord or an unprofessional person, or even by an attorney.

4476. The cases which come before the manor courts are questions of debt;

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questions of whether a person did or did not purchase an article, or did or did not incur an obligation, which questions in the manor court would have to be decided by evidence produced to a jury, as you say, of an intelligent class; can you conceive a simpler mode of adjudicating a question of fact, or one more likely to inspire confidence in the class who would be likely to be suitors in the court?—The cases that would come to be tried before a manor court are by no means confined to the simple cases that have been now mentioned. All questions of contract come before the manor court, and the law of contract is one which is very intricate, and which, in the profession of a barrister, it is found by no means easy to arrive at an accurate knowledge of.

4477. Would not the average of the cases occurring in a town like Carrick be cases such as those I have mentioned, simple cases of debt?—The question of guarantee must come before the courts very frequently; the mode of dealing between the shopkeepers and the country people, I should say, from my knowledge there, is by promissory notes, and by persons becoming security and giving guarantees for others, the liabilities arising from these instruments would have to be decided upon by any local court in the district.

4478. Do you conceive that any one who has a debt owing to him considers, before he proceeds to recover it, to what extent the nature of the legal contract which may have been incurred would be likely to puzzle, or otherwise, the court before which it was to be carried, or that he simply considers whether or not that court is likely to adjudicate fairly or otherwise upon his claim?—I should say a person would be influenced by the general reputation and character of the court. Where he had two to choose between, he would be influenced by the general reputation and character of both courts, and choose that of which he heard the most favourable report.

4479. Would he not choose that which was nearest to him, that which was likely to cost him least to recover his debt, provided he had confidence that the court would fairly adjudicate upon his case?—It would be natural to suppose that; and the singularity is, that with those feelings, which one would suppose would follow naturally, if confidence existed in the administration of justice in those courts, they are not resorted to.

4480. Then, as the administration of justice is practically invested in the jury, who have to decide upon the evidence produced, any want of confidence which might exist in the court, in any place, must be rather in the description of juries which have to adjudicate in that court than in the constitution of the court itself?—No; my impression would be rather that it was in the head of the court, who is looked upon as the chief person presiding in the court. I mentioned before that my experience of manor courts, upon the circuit upon which I acted as corporation commissioner, was, that the seneschal was generally the agent, and always the appointee of the lord of the manor, consequently the farmers or inhabitants of that manor might think if they were tenants that the head of the court would be in their favour; if they were not tenants, they would think the head of the court would be inclined against them; and under those circumstances, they would prefer going to a person who should appear to them to be wholly impartial and totally disconnected from anything like a ground of bias.

4481. Who is the lord of the manor of Carrick?—Lord Ormond.

4482. Does the property in the town belong to Lord Ormond?—No; he has a very small portion of it; it partly belongs to the Besborough family. It is very much divided.

4483. Is the seneschal the agent of Lord Ormond?—He is not.

4484. That objection to the manor court, then, could not have been the cause of its disuse?—No. I speak of the seneschals as I found them upon my circuit of inquiry.

4485. *Chairman.*] Would not that objection apply more to a court where there was no jury than to one where the decision depends entirely upon the jury?—Certainly, it would apply more to a court where there is no jury; but my impression is, that the country people look very much to the head of the court as influencing the decision of the jury.

4486. Mr. *Lucas.*] If the country people in the neighbourhood believed that justice was not to be done to them by that court, but that the decision of the jury would generally be in favour of the tenants of the manor, that belief must rest in a want of confidence in the jury?—I do not say that the verdict of the

jury

jury would be in favour of the tenants of the manor; I speak of the supposed inclination of the head of the court, he being the agent of the lord of the manor. We must suppose the lord of the manor to have considerable property within it. A tenant coming forward might think the head of the court would be in his favour, or rather a stranger might think, if the tenant of the manor were his adversary, that the head of the court would be in favour of the tenant, and that would probably render him disinclined to resort to that court when he had another.

4487. Could the seneschal so divert the course of justice without the participation of the jury?—The jury have it certainly in their power to go against the charge of the seneschal, were he improper enough to give an incorrect one.

4488. You have stated there must be an impression unfavourable to the justice of the court, from its being supposed that the seneschal might be disposed to favour the tenant of the manor rather than a stranger?—I think there may.

4489. Could the seneschal of the court, though he might wish unjustly to favour a tenant of the manor, do so himself without the jury colluding with him in so doing?—He could not give the verdict which would work the injustice, but he might use influence to obtain it. He, as being a man of a superior rank in life, and possessing authority in that court as the head of it, would have considerable influence over the minds of the jurors; and, like a judge at the assizes, the jury would be very likely to be influenced by what he would say. If it were glaringly improper, I have no doubt the jury would resist.

4490. You have stated, I think, that the jurors in that neighbourhood are generally an intelligent class of men?—I think a very intelligent class of men could be got as jurors in the neighbourhood of the town of Carrick-on-Suir.

4491. And yet you think they are still liable to be diverted from the due course of justice by the influence of the seneschal?—I speak more from my experience upon the circuit, upon which I was commissioner. As I stated, I found the seneschals of the manor court were principally agents of the lord of the manor, and it is with reference to courts with such heads that I gave my previous answer.

4492. *Chairman.*] Can you state positively to the Committee that the jurors in the manor court at Carrick were generally of a respectable class?—I cannot.

4493. Then it is possible they were not a respectable class?—Certainly; I can only say, that there are many respectable and intelligent persons in Carrick who are eligible to serve on juries.

4494. That may have been one of the reasons which induced parties not to go to that court?—It may, but I am unable to answer the question. I stated that I thought an intelligent class of jurors might be obtained for manor courts, speaking from what I know of Tipperary; but if I were to speak from my experience upon the north-east circuit, as commissioner of inquiry, it came before me in evidence that the jurors were a very improper class of persons; but at the same time, it did not appear that a better class of persons might not have been obtained.

4495. Have you, in the course of your inquiries respecting the corporations, found manor courts where the juries, acting as such, were not a respectable class, but where, notwithstanding that, a respectable class might have been found?—In Antrim, for instance, I found that there were complaints made of the mode in which the juries were gathered together, but there appeared to be very many respectable inhabitants in the town.

4496. Then that which has occurred in Antrim might possibly have been the case in Carrick-on-Suir?—It might.

4497. Is the seneschal at Carrick a man of independent fortune?—I believe his means are not very large; but he has an independence.

4498. Is he a man of active habits?—Not very active.

4499. You stated just now that he found the court gave him a great deal of trouble?—He said the court gave him trouble, and that there was so little business it did not repay him for the trouble of holding it.

4500. If he be a man of independent fortune, and not of very active habits, and he found that the court gave him a great deal of trouble, might not that have been the principal cause of his ceasing to hold the court?—No; I have no doubt he commenced holding the court with a view of its remunerating him for

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the trouble of doing so; he held it for some time, I should say for some years, and finding that it did not do so he then gave it up.

4501. Could he have had a great deal of trouble unless there was a greater quantity of business to do?—I should say he could not have a great deal of trouble in the court.

4502. Mr. *Lucas.*] Do you deduce any conclusion unfavourable to manor courts in general from the circumstance of the manor court of Carrick-on-Suir having been discontinued in the way you speak of?—I should be inclined to draw this conclusion, that there is a strong preference in the public mind for the assistant barrister's court.

4503. I think you say Tipperary, upon the whole, is rather a pastural than an agricultural country?—The upper part of it is a pasture county.

4504. Is it not generally a county in which the farmer's general business is the buying and selling of cattle?—Yes; the large farmers, men who hold some hundred acres, are graziers, but the smaller farmers are agriculturalists.

4505. Then as a general character, if you were describing the county of Tipperary to a stranger, would you say it was a grazing or an agricultural county?—It has the character of a grazing county.

4506. I believe the grazing farmers have not very numerous transactions; that their transactions are generally buying and selling twice in the year?—Yes.

4507. The course of a grazier's dealing, I believe, consists chiefly in buying and selling cattle twice in the year; have you farming knowledge sufficient to give an answer to that question?—Yes; I know it is buying and selling; buying in cattle lean and selling them out fat.

4508. This business rather consists of large transactions occasionally than of small transactions frequently renewed?—Yes; the grazing farmer's transactions are large.

4509. A tillage farmer, on the other hand, has more little petty transactions to carry on in the course of the year?—Yes.

4510. The circumstance, then, of Tipperary being rather a grazing than a tillage county may perhaps account for the frequent sittings of a court for actions of debt not being necessary?—I cannot speak of the existence of manor courts beyond my own neighbourhood, and that neighbourhood is an agricultural country.

4511. And in that neighbourhood it was disused by common consent?—Yes.

4512. *Chairman.*] Do you know of any other manor court in that neighbourhood under Lord Ormond?—No; the next manor court I have heard of is Kilkenny. I do not know anything of it myself.

4513. Are you aware whether the lord of the manor has interfered with the seneschal, and remonstrated with him for not holding his court?—No, I am not aware of it; I should rather think he has not.

4514. Does the seneschal live in the town?—He does, and has always done so, in my recollection.

4515. It has been stated by a former witness that the very poor classes had an objection to this court, because there was so much more frequent opportunity of recovering their debts from them; do you think that could have had any effect upon the population of Carrick, which is a very poor one?—It is the shop-keeping class in the different towns, the retail traders throughout the country, who sell upon credit to the country people, who naturally would be anxious for the establishment of a court enabling them to recover their debts as cheaply and as quickly as possible.

4516. Mr. *Lucas.*] Then Carrick, I presume, is a town where there are some small shopkeepers?—A considerable number. Though it is a poor town apparently, it has a considerable market; there was something like an annual export of 300,000 *l.* a year, according to a calculation made a few years ago.

4517. So that the feelings of the shopkeepers, such as you describe them to be, would have tended to keep the court up?—Certainly.

4518. *Chairman.*] Since the last meeting of the Committee have you had an opportunity of looking over the evidence you received in the course of your corporation inquiry as to the manor court of Moylinny held at Antrim?—Yes.

4519. How did you find that court was conducted by the seneschal?—There were many complaints made of the mode in which the court was conducted, and there was evidence, on oath, (all our evidence was taken on oath,) brought

brought before us of the nature of the abuses which were complained of. One abuse complained of in the court was, that of the seneschal having left blank attachments, with merely the heading and his name, for sale, allowing the party who purchased them the opportunity of filling them up as he pleased.

4520. During the time of the present seneschal being in office?—Yes.

4521. Mr. *Lucas.*] Was that admitted by the seneschal?—Upon the charges having been made, my brother commissioner and I wrote a letter to the seneschal, stating to him the charges that were made against him, and requesting that he would favour us with his attendance either the next day at Antrim, or at Carrickfergus, or Belfast, according to his convenience. He came the next day, and he said he did not recollect having given those blank attachments; however, we conceived it to have been proved, as it was sworn to by an attorney who practised in his court, and also by another person, a Mr. Shelton, who stated that he himself got attachments from the seneschal in blank, and that the seneschal left a number of them, perhaps half a dozen, with the witness. There was nothing in any of the papers but his name signed to them, "John Williamson, seneschal."

4522. That was stated in the presence of the seneschal?—Yes, I believe so, for Mr. Shelton was the very next witness examined after the seneschal.

4523. First in his absence and then in his presence?—Yes; first in his absence and then in his presence, as I believe, after his own examination.

4524–5. And he did not give any positive denial, but merely said he did not recollect it?—He said, "that he always signed his name after the blanks were filled up; there had been forgeries committed several times, he would prosecute those who committed them if he could. He did not think he ever did sign a document with blanks in it; as well as he can recollect, he never did; he would not believe a man who swore he got eight of them in the town for 20*s.*; that was the price at which they were stated to have been sold. Recollects he got six of them that were forgeries, but he could not find the man who forged them." It was subsequent to that statement that Shelton was examined, and gave the evidence I have stated.

4526. Which evidence went to this fact, that he had got them from the seneschal himself?—Yes.

4527. And the seneschal contented himself with saying he had no recollection of the fact, and did not positively deny it?—Just so.

4528. *Chairman.*] What would be the regular mode of framing an attachment?—There is an Act of Parliament on the subject, 36 Geo. 3, c. 39, which provides, that no attachment shall issue unless there be an affidavit previously filed in the court, stating that the cause of action arose within the jurisdiction, or that the defendant was then residing within it; in the course of our inquiry we found that provision was not attended to. In the manor court of Antrim attachments were granted and the goods were seized without an affidavit, this the seneschal himself admitted, but said that when the cause was about coming to trial, he then thought it time enough to get an affidavit of the existence of the debt; that was after the seizure of the goods.

4529. Was it for the seneschal's own profit that these attachments were sold?—Yes; he charged 10*s.* for his signature; he stated that in his evidence; so that for each attachment he signed he got 10*s.* The witness was unable to state whether those blank attachments had ever been acted upon.

4530. Did the seneschal reside in the town at that time?—He resided about six miles from it; he was seneschal of two manors, as well as I remember; he held his manor courts at three places nearly equi-distant from each other.

4531. Did you examine into the proceedings of any other court of which he was seneschal?—No; we only examined into the proceedings of any manor court which we found exercising jurisdiction in a borough town.

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4532. Did you find any other irregularities in that court?—There were other charges made of his having split a demand, in order to give himself jurisdiction.

4533. Was that admitted on his part?—Yes, the division was admitted, and in the minutes of the original evidence the facts are thus stated: the case in which the charge was made was one of Ledlie & Co. *v.* Macartney. The debt claimed

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claimed was 35 *l.* 1 *s.*, and two attachments were issued for 17 *l.* 10*s.* 6*d.* each; it was a demand on a book account between Ledlie & Co., of Antrim, against Macartney, who resided out of the jurisdiction of the manor court, at Randalstown; the goods belonging to the defendant, on passing through the town, were seized under the attachment; bail was given to one attachment, and the plaintiff proceeded upon the other; a finding was had upon it, and a decree issued for 20 *l.* debt, and 10 *l.* costs; 30 *l.* was thus levied. The original attachment was altered, after the finding of the jury, from 17 *l.* 10 *s.* 6 *d.* to 20 *l.* in the seneschal's own writing, and in the presence of the witness, Mr. Macauley. The 10 *l.* above mentioned was charged as a lump sum, in this way: the seneschal asked the witness what sum he would get in such a case, and Mr. Macauley stating he would get four guineas, the seneschal said he thought 4 *l.* or 5 *l.* would be little enough for himself, and he therefore allowed 10 *l.* for costs.

4534. Was there any appeal in that case?—No; as the proceeding was by attachment, there was no appeal.

4535. What remedy had the defendant against such conduct on the part of the seneschal?—Before verdict he might have sued out a *certiorari* to a superior court.

4536. Would not that have been a very expensive process?—Yes.

4537. It would have led to more expense than perhaps the debt was worth?—I cannot say; it might have led to more expense, certainly, if it were litigated fully.

4538. Mr. *Jephson.*] Do you recollect whether the defendant employed an attorney in that case?—I do not recollect.

4539. Supposing the defendant employed an attorney, do you not think, as a barrister, that he must have been in collusion with the seneschal to have allowed a case of that sort to go without suing out a writ of *certiorari*?—I cannot say that.

4540. Would not any person of ordinary legal knowledge have known that there was an absolute certainty of his upsetting the proceedings of the seneschal, with costs, should he have done so under the circumstances you have stated?—That is my conviction.

4541. It would be difficult to frame a state of law in which injustice could not be done where the judge and the attorney or legal adviser of the defendant are in collusion against him?—Certainly; but I should say, that as the evidence shows there were no records kept of the court, it would have been useless to have sued out a writ of *certiorari*, because the seneschal could have made no return to it.

4542. Would not that have been the surest mode of upsetting the decree, the very fact of there being no return?—There being no return, the Court of King's Bench could not do anything.

4543. Then would there not be another remedy?—The seneschal might have been liable in an action.

4544. *Chairman.*] Which, in fact, would have been no remedy to the party aggrieved?—Not in the proceedings before the manor court, but it would in the way of damages.

4545. Mr. *Lucas.*] I understand that Mr. Macauley, the witness, was the attorney in the cause?—It appears from the evidence of the seneschal, Mr. Williamson, that Mr. Macauley was the attorney for the plaintiff.

4546. Have you the original attachments in your possession, which you describe to have been issued for the sum of 17 *l.* 10 *s.* 6 *d.* each?—Yes.

[*The same were delivered in, and read.*]

4547. Do you find in one of those attachments the alteration that was described by you to have taken place, of the 17 *l.* 10*s.* 6*d.* being converted into 20 *l.*?—I do.

4548. In figures or in words?—In figures.

4549. Do you find any alteration in the words?—None.

4550. The words, "Seventeen pounds ten shillings and sixpence," remain unaltered?—Yes.

4551. Have you in your possession the decree that was issued in consequence of the verdict so obtained?—I have not.

4552. Do you know whether the decree was issued for the sum of 17 *l.* 10*s.* 6*d.*, or for the sum of 20 *l.*?—Mr. Macauley swore that the decree

was

was issued for the sum of 20*l.*, and the seneschal stated in his evidence that only 20*l.* was recovered; so I suppose, from those two corroborating circumstances, that a decree for 20*l.* was issued.

4553. Your conviction then is, from the evidence given before you, that the decree was issued for 20*l.*, although the document itself was not produced to you?—Yes.

4554. *Chairman.*] What then did Mr. Macauley or the seneschal state as to the other attachment for 17*l.* 10*s.* 6*d.*; was that proceeded upon or given up?—Mr. Macauley did not state anything; the seneschal stated that he believed the 20*l.* was all that was recovered.

4555. What did he say of the 10*l.* costs; was it recovered at the same time as the 20*l.*?—That was recovered. The seneschal states in his evidence, "that the debt was somewhere about 40*l.*, and when he looked into the charter he found he could not exceed 20*l.*, therefore the declaration went to 20*l.* He says 20*l.* was the sum the verdict was found for, on the foot of both the attachments; that the second attachment was given up, and he believes that 20*l.* was all that was recovered. The costs came to upwards of 10*l.* That was the case where five guineas were allowed for the plaintiff's attorney, Mr. Macauley."

4556. Mr. *Lucas.*] From the evidence you have just read, it would appear that your informant upon oath was the plaintiff's attorney?—Yes.

4557. *Chairman.*] Did Mr. Macauley state whether he had received for his costs that sum of five guineas which he claimed?—Mr. Macauley did not state whether he received it or not; but it appears to have been levied, and the seneschal stated he was told that Mr. Macauley, the attorney, got nothing from his client, the plaintiff, although the plaintiff received the whole amount of the decree from the defendant.

4558. It would appear, then, the other sum of 17*l.* 10*s.* 6*d.* was not recovered?—The balance 15*l.* 1*s.*, after increasing the verdict to 20*l.*, was not recovered.

4559. No decree was had then?—No.

4560. Was that the only instance mentioned of the splitting of actions in this court, or rather of an attempt at the splitting of actions?—It was the only instance given of the general charge.

4561. In the particular instance given of the general charge, it appears the proceeding was never carried into effect; before the second of these split causes could be brought to trial, it was abandoned?—Yes; it would appear that the second attachment was not proceeded upon. The charge against the seneschal was, that he split the actions to create a jurisdiction, and increase his fees. That was the specific charge against him; and the two attachments having issued, he got his fee upon each.

4562. But if the attempt at splitting an action was made only in one instance, and then abandoned, it might certainly increase the seneschal's fees for that occasion, but it would not tend to encourage parties in such proceedings afterwards; for when the plaintiff, who might be inclined to take advantage of it, discovered that he could not go on with his suit in the manor court, he would give up all idea of such a proceeding?—Undoubtedly, it would have that tendency.

4563. Then does not that instance rather show a tendency or inclination to the splitting of actions than the practice of it?—Yes. I should mention the seneschal stated in his evidence, that his impression was that all orders, &c. of the court are at the plaintiff's peril, and if the plaintiff commits an error he must be accountable for it.

4564. Did the seneschal state whether he founded that upon the opinion of any legal person, or his own reading of the statute law or common law of the country?—No, he stated it was his impression, and the practice which he followed.

4565. With regard to the power of imprisonment, which has been alluded to in the printed Report of the Corporation Commissioners, was it clearly proved before you that that power of imprisonment had been exercised for a period of 20 years before the passing of the Prison Act, or rather before the period limited in that Act of the 7 Geo. 4, c. 74?—The seneschal stated, "that the defendant is now committed to the county goal, and that he never gave execution against the body until the recent Act had passed, and that he has been for 22 years seneschal."

4566. Did the seneschal state whether he commenced his exercise of that power

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power immediately after the passing of the Act alluded to, or subsequent to the period at which that Act came into operation?—His own words were, "That he never gave execution against the body until the Act had passed."

4567. Are you quite conversant with that section of the Act which makes in fact the continuance of the power of imprisonment dependent on its exercise within a certain number of years previous?—Not particularly.

4568. Are you aware whether the section of the Act in question makes its continuance depend on the exercise of the power of imprisonment previously to the passing of the Act, or whether it is not previously to a certain day, at some interval after the Act had passed?—I cannot state positively without having the Act before me, but my impression is that it must have been exercised before the passing of the Act; the seneschal stated that at the period of our inquiry execution against the body was frequently issued where the defendant had no goods.

4569. With regard to the other case referred to in your report, the case of Gault *v.* Murphy, have you got the evidence with respect to the case?—Yes; the circumstances in that case were adduced to show that the seneschal did not keep sufficient records to make a return to a writ of *certiorari;* there is notice of bail, notice of trial, and the original promissory note, but there appears to be no declaration among the papers; and Mr. Macauley, who appeared to have been the attorney in that case, also stated, that, in consequence of the seneschal not being able to return the documents, the debt was lost.

4570. How far had the proceedings gone when they were removed by *certiorari*?—Issue appears to have been joined, by the notice of trial which was handed into us.

[*The documents alluded to were delivered in, and read.*]

4571. The notice of bail in this case is directed to the plaintiff; does it appear to have been the custom that the plaintiff executed the attachment, and kept the custody of the goods seized under it?—The form of the attachment appears to be directed to the bailiff, but to be executed at the plaintiff's peril.

4572. But did the goods remain in the custody of the plaintiff, or in the custody of the bailiff under the plaintiff's control?—It does not appear clearly upon the notes of the evidence.

4573. Was any proceeding taken against the seneschal in consequence of that loss of the plaintiff's demand?—I do not believe there was.

4574. Mr. *Lucas.*] In your inquiry as commissioner into the Irish corporations, it was part of your duty to inquire into the proceedings of the manor courts dependent upon corporate jurisdictions?—Where manor courts exercised jurisdiction within a corporate town, we conceived it came within the object of our inquiry.

4575. *Chairman.*] You also inquired whether quarter sessions or petty sessions were held in every town you visited?—Yes.

4576. Mr. *Lucas.*] I presume you took the best means which circumstances afforded of procuring information?—Yes.

4577. I observed in your evidence of the last day, you mentioned, as you did to-day, different charges made against the seneschals; did it always happen that those seneschals had an opportunity of hearing and rebutting the charges if they thought fit?—In every case we examined the seneschals themselves.

4578. And they had sufficient time to bring forward evidence if they had evidence to bring forward?—I should say so; if they had expressed the slightest wish for a postponement they would have obtained it.

4579. It was your wish to give every facility for the disproof as well as the proof of abuses?—Certainly; whenever charges were made, we always endeavoured to afford the party charged an opportunity of answering them.

4580. And give them as full an opportunity of redeeming their characters as they could have?—Yes; every opportunity we could possibly give them it was our wish to give.

4581. You cannot charge your memory with any case in which a person complained of not being allowed time to disprove the charges?—No; the principal case in which charges were made was against the seneschal of Antrim. As I stated, he was not present when the charges were made; he resided six miles from the town where we held our inquiry, and we wrote him a letter, a copy of which I have here, mentioning to him that charges were made against him for his conduct as seneschal of the court, and requesting he would come the next day to hear the charges read over to him, and to answer them; or, to suit his

his convenience, that he might come at two other towns which we mentioned, in which we intended to hold our inquiry; he came in the next day. *M. R. Sausse, Esq.* 27 June 1837.

4582. It being one part of your duty upon that inquiry to examine into the proceedings of those courts, you determined previously to give every facility for evidence, both of complaint and of defence against that complaint, which was in your power?—We determined to give every opportunity, both for the charge and defence, in every head of inquiry which we were directed to turn our attention to. I cannot say it was generally known that manor courts came immediately within it, because the words "manor courts" did not appear upon the face of the commission under which we were appointed.

4583. Wherever you came, I presume you took pains to make all the objects of your inquiry known?—Yes; we always posted up notices of the objects of the inquiry; but I think the words used were "courts," I do not think "manor courts" were mentioned particularly.

4584. And having determined previously to afford every facility for the proof and disproof of charges, you followed up that determination in your inquiry as far as circumstances would possibly permit?—Yes; with reference to manor courts in particular, in every case we examined the seneschals.

4585. *Chairman.*] Was it the same with regard to borough courts wherever you found them; did you examine the officers residing in those courts?—Yes; we made it a rule to examine the officers, both in corporations and other places.

4586. And where the sessions court was held; did you examine the clerk of that court, where it was practicable?—Whenever complaints were made of the conduct at petty sessions, we entered into a full examination of magistrates, clerks and witnesses; where there was no complaint made, we took for granted that everything was conducted regularly.

Mercurii, 28° die Junii, 1837.

MEMBERS PRESENT.

Mr. Bridgman.	Mr. M. J. O'Connell.
Mr. Hamilton.	Mr. V. Stuart.
Mr. Jephson.	

M. J. O'CONNELL, ESQ., IN THE CHAIR.

Gerard O'Conner, Esq., called in; and further Examined.

4587. *Chairman.*] DO you wish to make any addition to your answer to question 3621?—A circumstance has come to my memory which I did not remember on the last day I was under examination, to the credit of the seneschal of Ardfert, and I should wish to state it: the court being a very small one, the door was closed while the proceedings were going on, and a drunken man made several attempts to force open the door; the seneschal ordered the bailiff to have a policeman called in and the man taken into custody or removed from the court; the policeman did come, and the man was either taken into custody or removed from the court. *G. O'Conner, Esq.* 28 June 1837.

4588. Was this done by the late seneschal or the present?—The present seneschal.

4589. Are you aware whether the policeman did so in consequence of his own authority to take drunken men into custody, or in virtue of any authority he supposed the seneschal to possess?—I am not aware.

4590. Do you wish to make any addition to your answer to the question 3718?—I wish to add, that I have already stated generally that I consider the facilities for the recovery of small debts, from three weeks to three weeks, which manor courts afford, press heavily on the poor and rural districts, and particularly in seasons of general scarcity; and in support of my view I informed the Committee, on the authority of a highly respectable clergyman, that, in the year 1822, the poorer classes in the manor of Ballyheigh waited on their parish clergyman, and requested that he would beg of Colonel Crosbie, the lord of the manor, to have his court closed for that summer and the following harvest, a request to which Colonel Crosbie humanely acceded; now I consider that as there always

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happens to be a great deal of general distress in Ireland, and as I do not think there is anything peculiar in the condition of the people within the manor of Ballyheigh, and as the suitors in that court have not less humanity than the generality of their countrymen, the application made to Colonel Crosbie and the attention paid by him to that application are, in my opinion, very strong proofs of the view I have taken of this subject.

4591. Mr. *Jephson.*] Should you recommend that that principle of rendering it less easy to recover debts, and of giving power to those who are sued in the courts to stop altogether the course of the courts, should be carried into effect generally throughout Ireland?—I have stated that I consider that the general quarter sessions afford sufficient facilities for the recovery of debts in rural districts.

4592. You consider the grievance of the manor court to be the facility it gives to a creditor to recover his debts against his debtor?—One of the grievances.

4593. Mr. *Bridgman.*] You mean the frequency of the courts?—Yes.

4594. *Chairman.*] Do you consider that though there is great distress in Ireland, there is no comparison to be drawn between the periods of ordinary and extraordinary distress?—I think there may very judiciously.

4595. Do you not consider the closing of that court to have been prompted by the consideration, that the condition of the people at the time when it was closed was worse than it had been for some time previous?—I am of that opinion.

4596. Do you not consider that the call for the exercise of that power refers rather to the comparative condition of the people at two different periods, than to their positive condition at any one period?—I am of opinion that the people generally of this district would be glad to make a similar application every year of their existence; but the particular portion of them who made the application at this time were the poorer classes, and I do not think they would expect the same attention to be paid to a repetition of it.

4597. Do not you think there was a stronger necessity for checking the recovery of debts at that period, than there is in ordinary times?—I think were was.

4598. Do you think that in the present state of the country that measure would be as necessary this year as it was in the year 1822?—When I left Kerry I do not think the general distress was half so sensibly felt as in the year I allude to, but possibly it is greater now; from what I have read in the Kerry papers since I came over I should be inclined to think that the same necessity exists now, or very nearly, as did at the time referred to.

4599. Mr. *Hamilton.*] Was the application to which you have alluded made by the people generally, or by those for the most part who were debtors rather than creditors?—I should suppose by those who were likely to be sued in the courts, that was the impression upon my mind.

4600. Do you know whether that was carried in by those who were creditors?—I had no opportunity of ascertaining that; I did not ask the question of the gentleman who mentioned the matter to me, if I had, I suppose he would have told me.

4601. *Chairman.*] Do you wish to make any addition to your answer to question 3720?—I wish to add that, confining myself strictly to the manor in which I reside, I am satisfied the farmers would not be inclined to force the poor into the courts. Generally speaking, the people within that manor are remarkable for their morality and general good conduct. I have heard very many clergymen, who have had better opportunities of knowing the people than perhaps any lay person could have had, say, that they would rather live in that parish on an income of 100 *l.* a year than in any other parish in the county of Kerry on a much larger income; and that was in consequence of the docility and good conduct of the people.

4602. Do you wish to add anything to your answer to the question 3748?—I wish to add, that I made a mistake in stating that the individual employed as agent in the case to which that question has reference was the bailiff of the court; he was the clerk of the court.

4603. Have you ever known it to be the custom that the suitors, either successful or unsuccessful, or both, were in the habit of giving the jury drink?—The successful suitor in our court, when he could afford it, was in the habit of giving the jury drink.

4604. Was that while the proceedings were going on, or after they were over?—After.

4605. Did each successful suitor give the drink himself, or did they club, in fact, together a stock-purse for the purpose?—I recollect an occasion when a successful suitor, or a defendant, after he learned that he had succeeded, declared in a spirit of triumph that he would give the jury drink. *G. O'Conner, Esq.* 28 June 1837.

4606. Mr. *Jephson.*] Did you hear that yourself?—I did.

4607. *Chairman.*] Was this declared in court in the presence of the seneschal?—I am not quite certain whether it was in the court or at the court door.

4608. Have you known a similar declaration to be made on any other occasion?—No; I attended so very seldom, I had not opportunities of knowing.

4609. Is your knowledge from personal observation confined to those two instances?—Yes.

4610. Have you ever heard the jury ask for drink before they would agree to a verdict?—I recollect to have heard a juror say, half joke, half earnest, that the jury ought to get drink.

4611. Did the juries give in their verdict on the termination of each case, or did they postpone them till the whole of the cases were gone through?—They did not in all cases sign the verdict when the case was disposed of; if it was supposed by the jury that the next case to come on was one which would require that they should retire to deliberate, they postponed signing the verdict in the first instance, and signed both together after the second case was disposed of.

4612. In that case did they agree on what verdict they should give before they went into the second case?—Yes, they did.

4613. Has that ever occurred when you were on a jury yourself to your recollection?—To the best of my recollection it has.

4614. Have you ever seen a jury postpone the signing the verdict when you were in court, and not on the jury?—No; but I always heard from those who attended as jurors, that that was the case.

4615. Mr. *Jephson.*] That when the case was so clear there could be no doubt about it among the jurors, they postponed the formal signature to the verdict until they had several to do at the same time?—Precisely; till they had perhaps two cases; I do not think it ever went beyond three.

4616. Do you see any great objection to that course?—I do not see any objection, if it be not illegal.

4617. *Chairman.*] With regard to the objection you have entertained against the too great frequency of these courts in rural districts, do you consider that the same objection exists against them in towns?—I think that the interests of large towns may require that a court should be holden oftener than from three months to three months; but I should say that, in all such courts, the president should be a barrister; and if it should be the opinion of the legislature that courts should be holden in large towns oftener than from three months to three months, I should be very glad to see the principle of trial by jury preserved under certain restrictions in such courts; I think it would cause a great deal of inconvenience and loss of time, and no advantage, that a jury should be sworn in every case; therefore I would suggest that the jury should be sworn only in cases where defences were set up, when the agent for the defendant supposed that it would be for the interest of his client that a jury should be sworn. In all other cases I would make it discretionary with the president of the court whether a jury should be sworn or not.

Charles William Ruthven, Esq., called in; and Examined.

4618. *Chairman.*] OF what profession are you?—I am an attorney and the quarter sessions Crown solicitor for the county of Down, residing in the town of Downpatrick. *C. W. Ruthven, Esq.*

4618*. Have you had any opportunity of being acquainted with the operation of the manor courts in that neighbourhood?—I have had considerable opportunity of being well acquainted with the manor courts of the district round the town of Downpatrick, and particularly that of Downpatrick.

4619. Where is that court held?—The seneschal of the manor of Downpatrick holds his court in the market-house.

4620. Is the manor of Downpatrick an extensive one?—It is of considerable extent.

4621. Does it extend over the whole of the town of Downpatrick?—It extends over the entire of the town of Downpatrick, and sixty-seven townlands.

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4622. Are those townlands a rural district?—Entirely so, and agricultural.

4623. Are they populous?—Yes, they are.

4624. Mr. *Hamilton.*] Is there not a good deal of linen spinning and weaving among the small farmers?—In former years there was, but it almost entirely ceased until within the last three or four years, when it became rather better; and since that it has decreased very much, in consequence of some failures of persons in the linen trade in that part of the county.

4625. The farms are generally small, are they not?—They are.

4626. What should you say was the average quantity of land belonging to each farm in the manor?—It varies considerably.

4627. Does the manor of Downpatrick extend much into the barony of Lecale towards the sea?—It does considerably.

4628. In that part of the barony, the farms are smaller than on the other side of Downpatrick, are they not?—I think they are.

4629. Does the district of the manor extend towards Saintfield also?—A very limited distance.

4630. The character of the population generally is, that they occupy small farms in the manor?—Generally speaking they do; I should state at the same time, that there are many persons in the town of Downpatrick, as well as in the manor, who hold under the lord of the manor large interests, of 600*l.* or 700*l.* a year, by tenures, or leases for lives, that are renewable for ever; those persons being the immediate tenants of the lord of the soil, they of course sublet again to the persons who are the present occupiers.

4631. There is usually a great concourse of people in Downpatrick on the occasion of markets and fairs, is there not?—A great concourse; there is a larger attendance at that market than any other in that district of the county.

4632. *Chairman.*] Are you acquainted with any other manor courts in the neighbourhood?—Several; the manor of Killaleagh, Killaugh; the manor of Hamilton's Hill, Ardglass, Strangford, Ballynahinch, Clough, Ballywalter, Kircubbin, Cloughy, Castlewellan, Portafery, Belfast, Newry, Seaford, Kilmore, and Crossgar.

4633. Are all those, excepting Belfast, in the county of Down?—Part of Newry is in the county of Down, and part in the county of Armagh; the manor of Newry extends 13 miles from the town.

4634. Is Ballynahinch in the county of Down?—It is.

4635. Who is the seneschal of that?—A Mr. Stephenson; he is the agent of Mr. Kerr, the lord of the manor, and the proprietor of the estate.

4636. You are probably more acquainted with Downpatrick than with the rest?—I am.

4637. Who is the seneschal of Downpatrick?—Alexander Miller.

4638. Is he a professional gentleman?—He is a magistrate, and was agent and receiver of the late Lord De Clifford, and now acts as the agent of Mr. Kerr, the proprietor of the estate.

4639. How long has he been seneschal?—He has been seneschal since the year 1807.

4640. Has he been seneschal all that time?—Save and except during elections.

4641. Who has been seneschal during elections?—In the month of March in the year 1807, the seneschal, Alexander Miller, resigned, and a person of the name of Thomas West, a common working slater, was appointed by the Lord De Clifford during that election, and was the returning officer.

4642. How long did he hold his office?—Only during the election. He was dismissed immediately after the close of the election; and I should state further, that it was proved before a Committee of the House of Commons, that his appointment was sent from London in blank, and his name was filled up on its arrival in Downpatrick.

4643. Was that before the election committee?—It was before the election committee, in the summer of 1808.

4644. How long did West hold his office of seneschal?—Only during the election, until it was concluded and had made his return; he was a man of mere straw, not worth a fraction.

4645. Was there any complaint before the Committee against his conduct as seneschal?—There was a complaint of his gross misconduct in knocking off whole tallies at times, and subsequently there were actions brought and verdicts obtained

obtained against him, for maliciously rejecting the votes of the electors; and he afterwards took the benefit of the Insolvent Act.

4646. Mr. *Hamilton.*] Those complaints were made against him in his capacity of returning officer, and not of seneschal?—In his capacity of returning officer, the seneschal being the returning officer.

4647. *Chairman.*] Did Mr. West preside in the manor court of Downpatrick at any time during his seneschalship?—Not that I am aware of.

4648. On his resignation was Mr. Miller appointed?—He was.

4649. How long did he continue then to hold his office?—Until the next election.

4650. When was that?—I cannot exactly state when the next election took place.

4651. Are you aware who was appointed in his place then?—From 1815 up to the present time, at each and every election that has occurred since, the present seneschal has resigned immediately prior thereto, and a person of the name of M'Cready, formerly a baker in the town, but now Mr. Miller's clerk, has been appointed as seneschal during the continuance of the election, when he was returning officer.

4652. The same person has been appointed at every election since 1815?—Yes.

4653. Has Mr. M'Cready held his office only during the time of the election, or has he on any occasion presided in the manor court?—On no occasion has he presided in the manor court that I am aware of, but merely during the election, when he acted and presided as returning officer.

4654. Has he on his appointment of seneschal given the security required of seneschals by the Manor Court Acts?—That I am not aware of, nor have I had any means of ascertaining that.

4655. Are you aware whether Mr. Miller, on his re-appointment on all or any of those occasions, has renewed his security as seneschal?—I cannot state, because the clerk of the peace is the person in whose custody the records are, and to obtain such information he would be entitled to a fee; perhaps I might be permitted to add that, during those elections, Mr. Miller, having resigned, acted on the part of Lord De Clifford as his agent, and canvassed.

4656. Mr. *Hamilton.*] Mr. Miller was also land agent to the Lord De Clifford?—He was.

4657. Mr. *Jephson.*] Was the person who was substituted connected in any way with Lord De Clifford?—He was a clerk of Mr. Alexander Miller the present seneschal.

4658. Mr. *Hamilton.*] Is Mr. Miller now agent to the lord of the manor?—I believe he has ever acted as such.

4659. Has the manor been transferred with the property?—It is generally understood that Mr. Kerr has purchased it.

4660. Mr. *Jephson.*] Have there ever been complaints made against the conduct of the person who has been lately substituted for Mr. Miller?—None that I am aware of.

4661. There have been several contested elections for Downpatrick since he has acted as returning officer?—There have been.

4662. If this gentleman had been impugned for partiality, that point of course would have been a matter of complaint in the petition?—I presume that it would.

4663. Mr. *Hamilton.*] Mr. Kerr is now the lord of the manor?—I understand he is.

4664. Mr. *Jephson.*] The substitution of Mr. M'Cready for Mr. Miller, in consequence of Mr. Miller being the agent of the lord of the manor, was because it was conceived it would be an unseemly position for him to be in, he being returning officer at the same time?—The general impression is, that it was to allow Mr. Miller to act as the agent, and to canvass for the lord of the manor or whoever he wished to serve; he could not as seneschal appear as agent and canvass.

4665. Mr. *Hamilton.*] Lord De Clifford, for many years, has not returned a member for the borough, has he?—For some years past he has not taken a very active part.

4666. *Chairman.*] When did Lord De Clifford sell his manorial rights?—Proceedings I believe had to be instituted in the Court of Chancery in England to obtain a decree for sale.

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4667. Have you often attended the proceedings in the manor court in Downpatrick?—Frequently.

4668. Is the process of attachment used in that court?—It is.

4669. And also the civil bill process?—Yes.

4670. Are attachments frequent?—They are frequently used.

4671. Are they equally frequent with the civil bills, or in what proportion?—No, not so frequent as civil bills.

4672. Are they one half the number of the civil bills?—No, they are not near equal to half the number of the civil bills.

4673. Have you ever acted yourself in the court as an agent?—I have.

4674. Have you ever acted in attachment cases?—I have.

4675. Are you aware that an affidavit is required to be sworn before the seneschal previous to the attachment issuing?—He requires an affidavit of debt.

4676. Does he require it to be stated that the party is likely to leave the jurisdiction?—He does not to my knowledge; it is the mere ordinary form of affidavit of debt.

4677. Are the attachments often defended?—They are not often defended.

4678. Is the execution of the attachment entrusted to the marshal of the court?—No; the seneschal appoints any bailiff whom the plaintiff may wish. The usual custom is, to appoint several bailiffs in the town, and whichever the plaintiff pleases he may have.

4679. Are they the regular bailiffs of the court?—No; but generally are of the civil bill or quarter sessions court.

4680. But the plaintiff may appoint anybody else that he chooses?—Yes.

4681. The attachment is only against the goods if under the value of 10 *l.*?—Yes.

4682. When the bailiff seizes the goods, where does he deposit them?—He either keeps them in his own custody, or removes them to the premises of the plaintiff.

4683. Are you aware which is more frequently done, whether they are kept more frequently in the bailiff's own custody, or in that of the plaintiff?—In that of the plaintiff.

4684. Are there ever complaints made of damage to the goods of the defendant while in the hands of the plaintiff?—I have heard complaints from persons whose cattle and whose horses have been distrained, as to the way in which they were kept, but I am not aware of any action having been brought for loss sustained in consequence.

4685. Are the goods generally bailed before trial?—They generally are.

4686. To whom is the bail given?—Before the seneschal.

4687. In case the goods are in the custody of the plaintiff, what does the seneschal then do?—He orders the plaintiff to deliver the goods; the goods are restored to the defendant by the bailiff under the order which the seneschal issues.

4688. Has it ever occurred, to your knowledge, that the plaintiff has refused to comply with that order?—It has not; I will state the reason why: the seneschal, if he is not certain of the persons who are tendered in bail, gives notice to the plaintiff of bail having been tendered, and the persons who will come forward as such; and if there is any good objection to the solvency of the sureties, he entertains it. But if the sureties swear that they are worth double the sum, he has then no power to object to them.

4689. The sureties are obliged to be resident in the manor; are they not?—They are.

4690. Supposing the attachment is not defended, what are the costs incurred?—About 1 *l.* 16 *s.* in that court.

4691. If it proceed to trial, what are the costs?—I think about 2 *l.*

4692. Mr. *Jephson.*] Can you state what proportion of that 1 *l.* 16 *s.* is the fee of the court?—The seneschal is allowed his charges, 6 *s.* 2 *d.* for issuing the attachment; he then charges 7 *s.* and something more for bail, and issuing the order.

4693. Would the bail bond and the release be separate?—The bail bond is separate; he issues upon that an order to release. The bail bond and the release together come to 7 *s.*

4694. What

4694. What are the other charges in an undefended case?—There is a declaration.

4695. What do you call the rule?—There is not any rule to plead entered by the plaintiff, but the plaintiff may enter a rule to discontinue proceedings as in the superior court.

4696. Would that come in an undefended case?—No, there would not be any rule entered.

4697. Would the *venire* record be charged in an undefended case?—Yes.

4698. Would there be such a record in an undefended case?—Yes.

4699. Would there be oaths administered in an undefended case?—No, the judgment would go by default.

4700. Would there be a record of the verdict?—Yes, but the record is never made up.

4701. Would there be execution?—There would be an execution either against the person or the chattels.

4702. *Chairman.*] Are you sure that the difference between the costs of defended and undefended cases is so small as you have mentioned, only 4*s.* or 5*s.*?—I cannot speak to it exactly, but that is my impression.

4703. It would appear that persons are not prevented from defending their cases by any dread of the great amount of costs?—They are not.

4704. Is it your impression that the attachment being undefended, generally proceeds from the claim being a just one?—No, it is generally given up before or immediately after the declaration is filed.

4705. What are the costs in that case?—The costs in that case are 2*s.* 4*d.* for a rule to discontinue. The plaintiff issues first of all an attachment, and then he files a declaration, or if he has issued his attachment a sufficient number of days previous to the sitting of the manor court, he issues his civil bill seven days, and then gets the seneschal to initial it, and serves it three days previous to the court day; he holds the goods of the defendant in possession, and if they are not bailed he obtains his decree upon the civil bill; the plaintiff then enters a rule to discontinue the other proceedings, and he sells under a decree of the civil bill. That takes place in many cases. With respect to the proceedings upon attachment, there is a great diversity of opinion existing at the present moment as to the legality of such proceedings.

4706. On what ground is that founded?—That there is not any manor court in Ireland authorized to proceed by attachment, if the court has been instituted since the statute of *quia emptores.*

4707. In those cases of attachment, is it considered necessary that both parties should reside within the manor?—The practice in the manor of Downpatrick is the contrary. If they find the goods of the defendant within the manor, they distrain them under a *distringas* issued by the seneschal; and it is frequently the practice that where farmers reside out of the jurisdiction of the manor, the plaintiff, residing within the manor, waits until he can catch the horses, or carts, or oxen of the farmer within the manor, and distrains them.

4708. Mr. *Jephson.*] Do you mean whether the cause of action has arisen within the manor or not?—Yes.

4709. *Chairman.*] Does the process of attachment give satisfaction generally, or otherwise?—On the contrary, it gives dissatisfaction.

4710. Do not some of the shopkeepers in the town find it advantageous to them?—No, they do not; they had rather proceed by the civil bill at quarter sessions; for whenever they proceed by attachment the proceedings may be removed by a writ of *certiorari* to a superior court, and there, if informal, may be demurred to, and may be set aside after judgment; a writ of error may issue and quash the judgment.

4711. Do the country farmers complain of hardships from the seizing of their goods under those attachments?—They frequently complain of hardship from it.

4712. Have you ever known persons submit to what they considered an unjust demand, rather than undergo the inconvenience of having their goods seized and detained?—I have known one gentleman pay 5 *l.* rather than take a proceeding in the superior court to set aside the judgment of the court below.

4713. The question refers to the initiative process of the attachment itself. Have not the proceedings in the initiative process induced parties to submit to

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that of which they did not feel the justice?—I have heard frequent instances of that. There are two kinds of attachment; there is the common attachment, and the foreign attachment. The foreign attachment is not incident to the manor court of Downpatrick.

4714. Is it to any manor court with which you are acquainted?—It is.

4715. What manor court?—I believe to the manor courts of Dunore in the city of Dublin and St. Sepulchre.

4716. Is that by special patent?—It is.

4717. With regard to the civil bill jurisdiction of the court that constitutes the principal part of the proceedings in the manor court of Downpatrick?—Yes.

4718. What are the usual causes of action tried on that side of the court?—Actions of *assumpsit*.

4719. Have you practised in the court in those cases?—I have.

4720. Are attorneys generally employed in the court?—They are generally employed in any contested case.

4721. Do any persons who are not sworn attorneys practise as agents in the court of Downpatrick?—No, not in the court of Downpatrick.

4722. Do they in other courts?—I have heard of a bailiff practising in one other court.

4723. Are the costs on the civil bill side of the Downpatrick court regulated by the statute?—They are.

4724. What is the amount?—Seven and eight-pence in Irish money, the late currency; seven and a penny English.

4725. In the return there appears a fee for the attorney entering the plaint 2*s.*; is that recovered against the defendant?—Yes.

4726. Is that the case, whether the case be defended or not?—If an attorney appears, it is recovered against the defendant.

4727. Does the attorney charge his client any fee in addition to that?—Invariably.

4728. What is the usual fee the attorney charges his client?—My fee is a guinea.

4729. Do all the other professional gentlemen charge as high fees as you do?—I believe they do.

4730. Can you undertake to say in what proportion of the cases that are tried the suitors have the advantage of such legal advice?—Perhaps one case in four or five months; about four or five in a year.

4731. When no attorney appears, the fee for entering the plaint is not charged against the defendant?—No.

4732. The charge then comes only to 5*s.* 6*d.* or 6*s.*—That is all.

4733. By whom is the process served in the civil bill cases?—It is served by the bailiffs.

4734. Are they the regular bailiffs of the court, or chosen by the plaintiff?—They are chosen by the plaintiff.

4735. The plaintiff may serve himself if he chooses?—Not in the manor of Down.

4736. Have you ever known a plaintiff refused a hearing of his case because he had served the process himself?—I have heard of two cases which were tried, where I was told by the parties themselves they were rejected in consequence of having served the process themselves.

4737. Were you aware whether in those cases the plaintiff had any other evidence of the service of the process besides his own?—He had no other evidence of the service of the process but his own testimony.

4738. Has he a perfect power of choosing any other person but himself for serving the process?—He has.

4739. Does the person who serves the process make his own terms with the plaintiff what he shall charge?—The usual term is sixpence for each copy he serves. If there are two defendants he gets a shilling; if there are three he gets one shilling and sixpence; if there is only one he gets only sixpence.

4740. Is that the case whether the process is served in town or country, near or farther off?—Yes.

4741. The total costs in each case, exclusive of that paid to the bailiff, are 5*s.* 6*d.*?—Yes, that is the case.

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4742. By whom are the processes filled up?—By the plaintiff or some one on his behalf.

4743. The officer of the court does not undertake to fill it up?—The custom in the manor of Down is, that he issues it and signs it in blank.

4744. Leaving the plaintiff at his own peril to fill it up?—Yes.

4745. What are the ordinary costs of a civil bill case in the quarter sessions court?—Six shillings, and then if the decree is under 1*l.*, a shilling bailiff's fee is added.

4746. In the manor courts, the bailiff is entitled to charge sixpence on the 1*l.*, and three-pence on every 1*l.* after?—Yes, he is.

4747. Excluding the bailiff's fees from your consideration, and considering that the fee of 6*s.* charge in the civil bill court of quarter sessions includes the fee of a professional person which is not included in the 5*s.* 6*d.* charged in the manor court, do you not conceive the costs in the manor courts to be higher than those in the quarter sessions?—Certainly I do.

Martis, 4° die Julii, 1837.

MEMBERS PRESENT.

Mr. Bridgman.	Mr. M. J. O'Connell.
Mr. Hamilton.	Mr. Vesey.
Mr. Jephson.	Mr. Wyse.
Mr. Lucas.	

M. J. O'CONNELL, Esq., IN THE CHAIR.

Charles William Ruthven, Esq., called in; and further Examined.

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4748. *Chairman.*] ARE there any complaints made in the part of the country with which you are acquainted on the ground of the costs in the manor courts being too high?—The shopkeepers in the town of Downpatrick invariably prefer the quarter sessions.

4749. Is that preference stated to be in consequence of the costs?—As well from the costs, as also the extent of the jurisdiction being limited within the manor.

4750. How often are the quarter sessions held in the town of Downpatrick?—They are held in the months of April and of October in each year.

4751. Twice every year?—Yes.

4752. In fact where a party, the debtor of a shopkeeper or trader in the town of Downpatrick, resides without the manor, is not the civil bill process of the manor court completely out of the reach of the plaintiff?—It is completely out of the reach of the plaintiff.

4753. And is not the cumbersome and expensive process of attachment the only means by which he can bring his suit against such defendant in the manor courts?—It is; and he cannot bring any suit against such a defendant unless he is able to distrain his goods within the manor.

4754. With regard to appeals, are you able to state whether there have been many such against the decisions of the manor court of Downpatrick?—There have frequently been appeals from the manor court.

4755. Do those appeals often come to trial at the assizes?—There is scarcely an assize without an appeal from the manor court of Down.

4756. Without an appeal being lodged, or without an appeal being prosecuted to trial, which do you mean?—Without an appeal being prosecuted to trial.

4757. Have you yourself ever been concerned in any of these appeal cases?—I have.

4758. Have you within the last four years?—I have.

4759. Can you say how many appeal cases you have been concerned in?—I cannot. Perhaps you will allow me to explain why. The parties seldom employ a professional person until the week before the assizes, and very often not until the very day before or the morning on which the assizes commence; and it is a matter of such small consequence that we scarcely take any note of it; but by referring to my books of account I could tell.

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4760. I suppose the fees are small too?—The fees are very small.

4761. That is what you mean when you say it is a matter of small consequence?—Yes.

4762. Are you positive that you have in several cases been concerned in appeals?—I have been concerned in several appeals; but I cannot undertake to say how many I have been concerned in.

4763. Mr. *Jephson.*] Can you undertake to say whether there have been any, and how many, during the last three years?—I cannot.

4764. What could you state, from your own knowledge, to be the average of appeals brought to trial?—It is a difficult question to answer.

4765. You have answered very positively already that there have been several?—There have been several, certainly; but I cannot state the number.

4766. Are you positive there have been such a number that you could describe it as several?—I think, upon the average, there have been two or three at each assizes, as well as my recollection leads me.

4767. That would be from four to six in the year?—I believe so.

4768. The return of the seneschal of Downpatrick, in answer to the question, "How many appeals have been tried, and how many reversed," is, "I have no document exactly to show how many have been tried or reversed; but as the appeals in almost every case were lodged to gain time, (the appeal only costing 1*s.*,) I can only speak from memory, and say, I believe, that during the time specified there has not been more than three or four tried, and none reversed; and though I have been upwards of 25 years seneschal, I have not known a decree reversed but one, and that on a point of law in a tithe case."

4768*. Do you still adhere to your former answer, that you believe there have been from four to six appeals, upon the average, tried in every year during the last four years; and if so, can you account for the discrepancy between your answer and the return made by the seneschal?—If I am to speak from recollection, I should say that there have been more than the seneschal returns.

4769. Then you doubt the accuracy of that return?—I do doubt the assertion that there have been only three or four appeals tried.

4770. *Chairman.*] How long have you practised in Downpatrick and its neighbourhood as an attorney?—I have practised now nearly four years.

4771. In any cases in which you have been concerned, have you known the decree of the seneschal to be reversed upon an appeal?—I have known a decree decreased in the amount decreed for by the court below, by the judge of assize.

4772. Did you ever know any instance of the positive reversal of a decree?—I cannot speak to that of my own knowledge.

4773. In the one which you speak of, which was decreased in amount, do you remember from what sum it was decreased, and to what sum?—As well as I recollect, about one half.

4774. Downpatrick is itself an assize town?—It is.

4775. Then, of course, no complaint can ever be made of the inconvenience of the place at which the appeals are tried in that manor?—None in that manor.

4776. Are there complaints made of the great distance in point of time at which appeals are tried, and the facility thereby afforded to a vexatious defendant to delay the plaintiff out of his just claim for sometimes seven or eight months?—I have heard many complaints of that.

4777. What is the cost of lodging an appeal; are you aware?—One shilling.

4778. What is the nature of the surety given?—The statute requires that sureties shall be given for double the amount of the debt and costs.

4779. Do you know the form of the surety given?—The bond in the usual form; the condition is directed by the statute.

4780. Are you aware whether it is to the party or to the king?—To the party.

4781. The statute does not give the precise form, but directs that there shall be a bond?—The statute directs the condition of the bond.

4782. Are you aware whether care is taken that the sureties to this appeal bond shall always be solvent persons?—In the manor court of Down, I believe, care is taken, as the seneschal requires the person or persons who offer themselves as sureties for the appellant to swear themselves worth double the amount of debt and costs.

4783. In

4783. In other manor courts with which you are acquainted, have you ever heard that sufficient care was not taken?—Often.

4784. In general, is not a large proportion of the appeals which are entered abandoned before the time for trying them comes on?—Almost invariably.

4785. In that case, according to strict law, the party entering into the bond, and his sureties, are liable for the amount of the debt and costs?—They are.

4786. Have you ever known an action brought against either the party himself or his sureties for that amount?—I have not. The reason, almost in every case, of the appeal being abandoned is, that the party having gained time settles the debt, and the sureties are never proceeded against, unless the defendant becomes insolvent.

4787. Are you aware whether in case a suit were to be commenced, the great expense of it would defeat the ends of justice?—It would be a very difficult matter to recover upon it.

4788. Why so; is there anything in the form of the bond which is defective, or from what form does the difficulty arise?—From the nature of the proceedings which are taken to enforce the penalty.

4789. The proceedings should be in the superior courts?—They should.

4790. Under the late Civil Bill Act, in case the bond is for a sum not exceeding 20 *l.*, that might be proceeded for before the assistant-barrister?—I am inclined to think so.

4791. Though that Act has been in force now nearly a year, you never have known any suit on a bond brought before the assistant-barrister?—I have not.

4792. Do you not consider that the greater security than is afforded by this bond ought to be taken to prevent vexatious appeals?—I have no doubt of it.

4793. If that security were taken, do you not think the appeals might be safely and fairly made triable more beneficially; for instance, at the quarter sessions, instead of the assizes?—I am sure they might.

4794. In the case of appeals, should you recommend the assistant-barrister to have a jury, or not?—I certainly would recommend a jury.

4795. Do you think a jury might be fairly introduced more frequently into the proceedings of the Civil Bill Court before the assistant-barrister?—I think it might with great advantage. I have seen the judge of assize, on the trial of an appeal from a manor court, require a jury.

4796. You have stated you are acquainted with several other manor courts in the county of Down, and some of the neighbouring counties; are you aware that there are many parts of the county of Down where there is no manorial jurisdiction?—I believe there are.

4797. The county of Down is an industrious county, and the people generally are very well off, are they not?—Generally speaking, they are.

4798. Do you find any difference, in the county, between those parts where manor courts exist, and those where they do not, in the condition of the people, or the state of trade and business?—I cannot say I do.

4799. Are there any towns or considerable villages in the county of Down, that you recollect, where there is no manorial jurisdiction?—I cannot say particularly.

4800. Have you ever heard the inhabitants of any of those districts where there are no manor courts complain of their absence?—I have heard them say they were very glad of it.

4801. Very glad of their absence?—Yes.

4802. Do they say so on account of the trouble they would have in serving as jurors, or what other reason do they assign?—Because they do not consider them to be of any use.

4803. Have you attended the proceedings of any of the other courts which you mentioned on the last day?—I speak more particularly of the manors of Hamilton's Hill, Killough, and Ardglass.

4804. In Ardglass it appears, from the returns, the jurisdiction extends to 100 *l.*?—To 100 *l.* late currency.

4805. In practice, are cases often tried to that amount?—I never heard of one.

4806. Have you often attended there?—I have once been in the court professionally, and I have gone into the court to see what was going on.

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4807. Are there any particular observations you wish to make with regard to these other courts you have mentioned?—The general practice is, that both parties are allowed to swear; the book is first put to the plaintiff, and he is made swear, and the defendant is then brought up, and he is made swear.

4808. Does that refer to the Ardglass court or all the courts?—It refers to all the courts except the manor of Downpatrick, in which it is not allowed.

4809. When they have done so, what is done then; are witnesses produced on either side?—If either party choose to produce witnesses, they may do so, and the jury decides between them.

4810. Is the case ever left to go to the jury upon the swearing of the parties?—I have seen it go to the jury upon the swearing of both parties.

4811. Has that ever happened in a case in which you were professionally concerned?—It has not.

4812. Mr. *Lucas.*] Are you aware a late Act of Parliament has given the same power to the justices at petty sessions, the swearing of both parties?—In cases of servants' wages they have the power of swearing both parties.

4813. In no other cases?—Not that I am aware of.

4814. *Chairman.*] Do you know the legal maxim, "Affirmatio unius est exclusio alterius"?—Yes.

4815. Then you do not consider that conferring such a power upon justices of the peace is an exclusion of all other officers?—I do not.

4816. At any rate it does not give it to any other officers?—Certainly not.

4817. Are attachments issued in the other courts?—They are frequently used in the manor of Strangford, and they are frequently used in the manor of Kilcubbin and Ballywalter, by Mr. Prince, who is the seneschal for the two latter manors, and also for the manor of Clogher.

4818. Is the general nature of these attachments, as to the form of proceeding, as to the custody of the goods, the costs and other particulars, the same as in Downpatrick?—They all vary; each court has its own particular costs, and its own customs; it is entirely at the option of the seneschal what costs he may charge.

4819. You stated, in Downpatrick the goods of a defendant not residing within the manor are seized on attachment if they are found passing through the manor, or within it?—They are.

4820. Is that custom uniform, or does it vary in the county of Down?—I believe that custom to be uniform.

4821. With regard to the custody of the goods in the other manors, are they generally confided to the custody of the plaintiff, as is the case in Downpatrick?—I believe they are; but I cannot state positively.

4822. Mr. *Bridgman.*] Have you known or heard that in these other manors the process of attachment has been used for vindictive purposes, in order to create expense?—I have often heard of the process of attachment being used for vindictive purposes.

4823. Do you think it is a power that ought to be allowed to continue in the hands of the seneschal?—I should say not.

4824. In what places are those other courts generally held?—Almost invariably in public-houses.

4825. Mr. *Lucas.*] Does the county provide any place for the holding of these courts?—No.

4826. Are there any funds from which to provide a place?—No, not that I ever heard of.

4827. And the profits of the seneschal's office in general, are they at all sufficient to build or to rent courts?—I should say, in the country manors, they are not at all. I think I am fully justified in saying there is not any manor in the county of Down the funds arising from which are sufficient to build a court.

4828. Is it not in many, almost in all instances, a matter of necessity that they should be held in public-houses, because no other than a publican will give the accommodation of a place to hold the court in?—I have known one instance where a house was provided by a farmer for the purpose of holding the court, and the seneschal, I believe, after holding his court two or three times in it, gave it up, and resorted again to the public-houses, as being more convenient to him.

4829. Did the farmer provide it gratis?—He did.

4830. Did you ever know another instance of a court being provided gratuitously by an indifferent person?—I did not.

4831. Is it not then, generally speaking, a matter of necessity to hold those courts in public-houses, from the want of any other place?—I do not consider it is a matter of necessity.

4832. Will you state to the Committee what other course could be pursued by the seneschal?—I think there is seldom any case where the seneschal, if he chose it, could not provide another house.

4833. In what way?—By paying a small sum for the use of it for the day.

4834. Are the farmers or shopkeepers in the neighbourhood, that you are acquainted with, provided with rooms of that size to hold the court in?—They are provided with barns, which would answer the purpose much better than a public-house, the rooms in which are generally small and confined.

4835. Are the profits of the office of seneschal in your district usually sufficient to allow a respectable person, holding the office of seneschal, paying out of his profits rent for a sufficient place?—From what I know of the courts, I should say that they would be able to pay such a sum as would enable them to provide a house.

4836. Without committing you very exactly to details, can you give the Committee any idea of the general average of the seneschal's profits in your neighbourhood?—They vary very much.

4837. Putting out of the question the extensive court of Hillsborough, which you have mentioned, what would you state as the average fees, in your belief, of the other seneschals in your neighbourhood?—I have been told that the three manors of Kircubbin, Ballywalter and Cloughey, were worth nearly 100 *l.* a year to Mr. Prince, the seneschal.

4838. Are those manors sufficiently near to be conveniently held by one person?—They are at present all held by Mr. Prince, and are in the gift of one person.

4839. Are they, in point of local situation, sufficiently near to one another to be conveniently held by one person?—I think they are.

4840. Can you state what are the average profits of manor courts, where they cannot be held otherwise than singly; can you state the average profits of a single seneschalship?—I have been informed by the seneschal of the manor court of Portaferry, that it was not worth the trouble or time that he was obliged to give to it, and that he considered it as scarcely worth holding.

4841. Is it not very frequently the case that those seneschalships are held simply for the object of benefiting the neighbourhood, or for the convenience of the estate, without reference to profit?—I think they are in general held for the profit.

4842. *Chairman.*] Should you be surprised if you were informed that the manager of a large estate in Ireland, now the property of a minor, petitioned the House of Commons against the abolition of the civil bill jurisdiction of manor courts, and stated, as one of the grounds of that petition, that those courts were a source of emolument to the owner of the estate?—I should be surprised. In some cases the seneschalship of a manor is attached to the agency of an estate, as a consideration or inducement, if it is a good manor, to accept of the agency on smaller terms than they otherwise would.

4843. Mr. *Lucas.*] Then you conceive that the office of seneschal attached to an agency is rather an inducement than otherwise to a respectable person to take the agency?—In some places only.

4844. Can you speak as to your belief generally?—I believe in the manor of Down it would be an inducement.

4845. We have it in evidence already that there are many courts of which the profits are large; my question is directed to courts generally, as you know them, whether they are an inducement to a respectable person to take an agency, or whether they are a drawback upon the advantage of the agency?—Generally speaking, I do not think they would be any inducement to take the agency.

4846. Mr. *Bridgman.*] When you stated that those courts were held in public-houses, did you mean to convey to the Committee that the use of the apartment in which they were held was given for nothing?—It was given because the advantage arising from the quantity of whiskey and other liquors which were drunk in the public-house (I may add, by the jury and the seneschal,) was quite a sufficient consideration to induce the publican to give up the room.

4847. *Chairman.*] I believe in a quarter sessions town the neighbourhood of

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a court-house is always a very good site for a public-house?—In the county in which I reside, the court-house of Downpatrick has no public-house near it.

4848. But still I believe the fact of being convenient to a court-house is not likely to diminish the value of a public-house?—It increases the value, certainly, very much.

4849. Or any place of public resort?—No doubt.

4850. The Petty Sessions Act provides that no petty sessions court shall be held in a public-house, or any part thereof?—It does.

4851. Was not that provision dictated by the knowledge, whether mistaken or otherwise, that the neighbourhood of a public-house was not the most suitable place for the administration of justice?—I believe such to have been the cause.

4852. If that applies in justice to the petty sessions court, ought it not to apply equally to all courts of law or justice?—It should.

Mr. *Joseph Raughan*, called in; and Examined.

Mr. J. Raughan.

4853. *Chairman.*] ARE you seneschal of any manors in Ireland?—I am seneschal of the manors of Inchiquin, Corcomroe, Burren and Killone.

4854. The three first are baronies in the county of Clare?—They are.

4855. Does each of these manors comprise the whole of the barony?—Not entirely; the greater part of Inchiquin, a considerable part of Corcomroe, and a considerable part of Burren.

4856. Where is the manor of Killone situate?—Within about four miles of Ennis.

4857. In what barony?—In the barony of Islands.

4858. Who is the lord of those manors?—Lord Thomond.

4859. How long have you been seneschal?—I was appointed in the year 1808.

4860. Where are the courts of these different manors held?—At Corrafin and Maurice's Mills for the manor of Inchiquin; at Morty Clogh and Ballyvehan for the manor of Burren, and Kilshanny for Corcomroe.

4861. Where for Killone?—I have not held a court for some time at Killone.

4862. For how long?—Not for the last four or five years.

4863. Why did you give up holding the court?—Because the emoluments of it were not a great deal, and I miscalculated the court at one time; it was to be held on a holiday, and it displeased the clergyman of the parish; he found fault with it, and I gave it up.

4864. Mr. *Lucas.*] Do you mean the clergyman of the established church?—No.

4865. *Chairman.*] Have the people of Killone complained much of your giving up the court?—Very often; I did not persevere or make any attempt to hold it after that.

4866. Was there any resistance to the holding of the court?—No; it was disagreeable to the clergyman, and I did not wish to have any wrangling with him.

4867. Was there no other reason why it was disagreeable to him than the fact of your once having held the court on a holiday in the Roman-catholic church?—I am not aware of any other.

4868. How many courts do you hold in a year?—I hold a court once a month or once in five or six weeks in each manor.

4869. Unless you are very ingenious, you could not hold the court every day on a holiday?—No, it was only on that one day, and I did not persevere.

4870. And the sins of that one day were visited upon the rest of the year?—I do not know that it was altogether that; the accommodation was very bad there.

4871. Where do you reside?—A mile from Ennis.

4872. How far are the places where those courts are held from your residence?—Corrafin is seven miles; Maurice's Mills is much the same distance; the Burren court is 22 miles; the Corcomroe court, I believe, is about 20 miles.

4873. You hold two courts for the manors of Burren and Inchiquin?—Two for Burren, two for Inchiquin, and one for Corcomroe.

4874. How often are you entitled by your patent to hold your court?—I believe there is no limited time in the patent; not that I am aware of.

4875. Have you ever read the patent?—I have.

4876. Do you hold the courts in each place every month; for instance, in Inchiquin, do you hold two courts in the same month, one at Corrafin and the other at Maurice's Mills, or do you hold them in alternate months?—I hold them about every five weeks.

4877. Every five weeks at each place, or every five weeks at the two places?—I go to Corrafin generally on the 20th of the month, and I go to Maurice's Mills on the 27th; that is, the week after. I generally hold the court at each place on a particular day, unless something occurs to prevent it.

4878. Then you hold a court once a month for each place; not a court once a month for each manor?—I hold a court once a month for each place. The sessions or assizes, or something of that kind, may interfere; but, on an average, I hold a court at each place every month or five weeks.

4879. In what sort of houses do you hold these courts?—I held the court at Corrafin for, I believe, 17 or 18 years in a private house in the town of Corrafin, for which I paid four guineas a year. The house belonged to a man of the name of Hynes; Hynes died of the cholera; I then was at a loss for a house. I applied to Sir Edward O'Brien, who owned the market-house of Corrafin, but I was refused the use of it; and then I was obliged to take a room of a man of the name of Rafferty, who keeps a public-house. The room is large, and quite away from the public-house. No whiskey, or other spirits, is introduced into that room from the time I go into it to the time I leave it.

4880. Have you ever since held it in the same public-house?—I think so. During the time I held the court at Hynes' house, Sir Edward O'Brien bought part of the estate of Corrafin, and he conceived he bought the manorial rights, and wanted to appoint another seneschal, to do away with my appointment. He wanted to appoint Colonel O'Brien in my place. I resisted that appointment, and intended to fight it out with him; but he gave it up. During the time that was pending, I was obliged to remove the court out of Hynes' house, because he was a tenant of Sir Edward O'Brien; and I was obliged to go to another house on one or two court days; but since that I have kept to Rafferty's house.

4881. Then ever since Hynes' death you have held the court in the same place?—Yes.

4882. Since you first began to hold the court at Rafferty's house, have you always held it there, or have you held it anywhere else?—No; I have always held it there.

4883. How long have you been holding the court at Maurice's Mills?—I believe during the whole time I have been seneschal.

4884. Where is the court held there?—There is no house but a public-house. I have a room to myself there, in the same way, for which I pay. I believe I did hold the court once or twice in a private house, but it was so small that I was obliged to quit it. There was no accommodation there, and I was obliged to go back to this room at Maurice's Mills.

4885. And the courts of Burren, were they always or generally held in public-houses?—No; generally in private houses.

4886. Are they to this day held in private houses?—One of them is; the other I am not exactly sure about, whether the person sells any spirits or not.

4887. But are you sure whether he has a licence or not?—I am not aware of that; but I know I pay for the room, and nobody interferes with it. I have seen no drinking there.

4888. Where is that?—Very near Ballyvehan.

4889. That is the court of Burren?—Yes; I was obliged to move out of it, for I could get no house but a small public-house at Ballyvehan, and I went up to this, which is a distinct place. I am not aware of any whiskey being sold there, and it is not a licensed house.

4890. And the court of K , is that held in a public-house?—No, in a private house, in the same way.

4891. Of the same kind as the one you last mentioned?—Yes.

4892. Are those places where the courts are held accessible and convenient for the inhabitants of the manor?—As much so as I could find.

4893. Have you chosen them with reference to their convenience?—Certainly.

4894. Are your courts generally very crowded?—Very often.

4895. Have

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4895. Have you ever known quarrels take place between the persons attending your court, either while the court was sitting, or have you heard of them after the court had risen?—No, nothing particular. Sometimes there may be some noise among the suitors; they may attempt to abuse each other, that is all.

4896. Are you able to have the police in attendance?—They refused me; I made frequent application, but Major Warburton refused me.

4897. Was his refusal on the ground that he did not think the law authorized him?—I applied to the Government, and reference was made to him, and he said he did not wish to bring the police in contact with the country people.

4898. Was that the only reason he assigned for his refusal?—That was the only reason. For the first three or four years after I was appointed seneschal I had the use of the police, and then the court was very creditably carried on, with no noise or bustle. Since that, of course, I could not control the tempers of persons.

4899. Are there any large towns in the district over which your manor court extends?—Yes.

4900. What towns?—The towns which I held the court at.

4901. How large are they?—Corrafin is a considerable village.

4902. Are there any large towns?—Not very large; Corrafin is a market and a post town.

4903. Is Corrafin the only post town in the district?—Morty Clogh is another post town or village; Corrafin is a great deal larger; it is held at Kilshanny only for the convenience of the country.

4904. I mean in the district over which your court extends, is not the bulk of the population a farming or rural population?—Yes, excepting Corrafin; there are a great number of shopkeepers in Corrafin.

4905. Are the jurors who attend your court regularly summoned?—When I was first appointed seneschal I issued printed summonses; I found that in some cases they had a bad effect, as I found that there was some interference with the jury that was summoned, and then I discontinued that, and took my chance for jurors.

4906. How long is it since you have discontinued the summoning of jurors?—A great many years ago.

4907. The interference you allude to, I suppose, was, that parties went to the jurors and endeavoured to prepossess them with a particular view of the case?—Just so; that was what I heard.

4908. And finding that, you thought it better to take your chance for jurors?—Yes.

4909. Do you now take them from the bystanders at the opening of your court?—Generally so; from the most respectable part of them.

4910. Do you find any of that interference still exists among those who, being in attendance before the court opens, are likely to be upon your juries?—No; because I am particular in my choice of jurors. If I do not know a man that I am going to empannel upon the jury, I make a reference to a respectable person to know who he is, before I swear him.

4911. Are the persons who are sworn as jurors always residents of the manor?—I think at times there may be persons who come to the court who may not be residents; and probably, if they are respectable, I beg their attendance for two or three hours.

4912. Have you read the Act of Parliament which gives the civil bill jurisdiction to the manor courts?—No, I have not.

4913. Are you aware that the terms of the law are, "juries of their respective manors"?—I am not aware of that.

4914. If I understand you rightly, your object was to select those persons who were best qualified among the bystanders to give a fair hearing to the case?—Certainly; I had no other motive.

4915. Have you always had a fair attendance of jurors?—I have been obliged to send out to request the attendance of some respectable persons, avoiding swearing any persons who had come there, as I supposed, for the purpose of being empanneled upon the jury.

4916. With an unfair object?—As I conceived.

4917. Were there many such persons attending the court?—I saw some instances of it.

4918. When you sent out, was it to the inhabitants of the town of Corrafin, or of the village in which you sat?—Yes; some respectable shopkeepers, or the better order of persons.

4919. Even with their attendance, had you always a full jury?—I used to swear five, or seven, or nine; I did swear 12 for a long time; but I found that to be very difficult, and not, as I conceived, to work well or fairly; and then I thought when I got five or seven respectable persons, the matter could be tried; also seeing it done at the sessions.

4920. Did you consider there was less chance of an improper person being on the jury by restricting the number, as you have mentioned, than by summoning the whole number of 12?—Decidedly, that was my motive.

4921. Have you ever taken a legal opinion whether that course was consistent with the law?—Seeing it done at the quarter sessions, I considered it was perfectly legal.

4922. By the assistant barrister you mean?—Yes; and I never met with anything pointing out the number of 12 as necessary for a jury in any Act of Parliament.

4923. Are you aware that, by the common understanding of the country, "a jury" means "a jury of 12 persons"?—It is generally so at the assizes.

4924. Are you aware that the swearing of a jury at all by the barrister in a civil bill case is entirely an optional matter?—No.

4925. Does the assistant-barrister swear a jury in every case?—In every case that there is any difficulty about.

4926. But he himself is the judge whether there is a difficulty about it?—Where there is any wrangle at all, I think he generally swears a jury of three or four.

4927. The barrister at Clare does?—Yes.

4928. Have you ever attended the civil bill sessions in any other county except Clare?—No.

4929. Were there any persons who were constant jurors in your court?—I cannot say constant; if I found a respectable person coming there, whom I could depend upon, I was always anxious to have him on the jury.

4930. In the Corrafin court there is a statement made by a former witness, that there were two persons who were constantly in the habit of attending, one a public-house keeper of the name of Kease, and the other a tailor of the name of Shehan; were they, as is stated, in the habit of frequently attending?—No, I never had a man of the name of Kease on the jury to my knowledge; Shehan I consider a very proper man, though he is a tailor; I consider him a very fair man, and I never saw the sign of drink upon him.

4931. Mr. *Vesey.*] Did a man of the name of Patrick Keefe ever come as a suitor to your court?—Yes.

4932. Do you consider that his bringing people into your court was in order to oppress them?—Keefe did some business in the court for some time; but I discovered some very improper conduct on his part, and I did everything to banish him from the court; I detected him one day in a most wicked piece of fraud, and from that time I did everything I could to prevent his coming into the court.

4933. Whenever he came as a suitor into your court, were the verdicts generally given in his favour?—Certainly not.

4934. Were there many instances of verdicts given in his favour?—There were more dismisses against him than verdicts in his favour.

4935. There have been some verdicts occasionally given in his favour?—Yes.

4936. Did you conceive that those verdicts, in your opinion, were given improperly?—They were given upon notes regularly stamped and regularly witnessed, and service of the process regularly proved, and every form gone through.

4937. Was there great attention paid to all the trials in which he was concerned?—There was nothing more done for him than anybody else. When any fraud was attempted, I gave it every investigation.

4938. Did you use all the means in your power to prevent his coming into your court?—Certainly, until I banished him out of it.

4939. What were the means you made use of for that purpose?—When he found

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found he could not succeed in his malpractices, he abandoned it, and went to the sessions again.

4940. In your opinion, in consequence of his coming to the court, did the people who were defendants suffer generally in the suits in which he was concerned?—I think not; because they had everything which was fair done for them upon the trial.

4941. Is it your opinion that he could not make use of the manor court as a ground of oppression against the people?—Certainly not; I would not allow it.

4942. *Chairman.*] How long had he been in the habit of being a suitor in your court before you discovered this fraud on his part?—Not very long.

4943. Mr. *Vesey.*] Did you always take care that there was full evidence given in those cases in which Keefe was concerned; were you very particular?—Most certainly. I discovered his tricks from the complaints of the people of the country against him, and I persevered, and lost a considerable time every day in investigating every case that he was concerned in.

4944. In the case of any verdict that was given for Keefe, did the jury ever send to him to give them drink?—Not that I am aware of.

4945. Did they ever send to the successful party for drink?—I think they did in the evening; not at the time; but after the business was over they did get refreshment.

4946. Was that an invariable practice?—No, in very few instances.

4947. What class of people were they who served upon those juries, who so sent for drink?—They never drank but upon very hot days like this, when they had been sitting from 11 or 12 o'clock to five in the evening, after the business was over.

4948. They sent to the party?—Yes, if the case went on for four or five hours; but I did everything in my power to prevent it, and did prevent it.

4949. What did you do?—I said I would not allow it at all.

4950. And did that prevent it?—Certainly.

4951. *Chairman.*] In the case of Keefe, where the decrees were given for him upon notes, did you and the jury rigidly investigate whether value had been given for those notes?—Certainly.

4952. And whether the interest on the money really advanced was charged at a fair rate?—I do not remember any complaint as to the notes; but I remember a complaint as to his charging an excessive price for potatoes and barley, and I remember cutting down that, and giving him only a fair rate of interest.

4953. Reducing it, as the assistant-barrister does at quarter sessions?—Yes.

4954. Allowing a fair average price?—Yes, for potatoes or barley.

4955. And a moderate profit, according to the rate of interest for the time?—I do not know that I allowed him any interest; I allowed him a fair price; he did in some instances charge an immoderate profit, and I reduced it.

Mercurii, 5° die Julii, 1837.

MEMBERS PRESENT.

Mr. Bridgman.	Mr. Lucas.
Mr. Hamilton,	Mr. M. J. O'Connell.
Mr. Jephson.	

M. J. O'CONNELL, Esq., IN THE CHAIR.

Mr. *Joseph Raughan,* called in; and further Examined.

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4956. *Chairman.*] WITH regard to the case of Keefe, I believe you stated yesterday that he had been for some time a constant suitor in your court before you discovered him in certain malpractices?—No, not very long.

4957. After you had discovered it, and set your face against him, how long did he continue to be a constant suitor in your court?—I think about six or eight months; he was very cautious; he knew he was watched. He had very little business after that; it dropped very much.

4958. You always kept a very suspicious eye upon him?—Certainly, and he merited it well.

4959. Did

4959. Did you always convey to the jury your suspicions as to the character of the man, and of the sort of actions he was in the habit of bringing into your court?—Certainly.

4960. Did you find the jury generally agree with you in your opinion upon those points?—The jury seemed to have as great a knowledge of him as I had, and more so.

4961. Had he ever what his called in Ireland "friends" upon the jury?—Not that I am aware of. I studiously avoided putting any one I considered a friend of his upon the jury.

4962. Are you in the habit of charging the juries in all cases?—If there is anything particular occurs to me I mention it to them; or if the jury ask me a question I answer it, or I say, "Gentlemen, you know the witnesses as well as I do." Sometimes there are witnesses swearing against each other, and I say "You know them better than I do; you can decide between them."

4963. That is upon the facts of the case?—Yes.

4964. Supposing there is a point upon the law of the case, as to the time of a note, for instance, under the statute of limitations, do you explain that point to them always?—Yes, the jury know it very well themselves.

4965. They are all good lawyers?—They understand all those matters very well. I may mention as an instance of Keefe's conduct, that he once sued out a process upon a note which was out of date, and he dropped it upon the floor and rubbed his foot over it, for the purpose of obliterating the date.

4966. Are you aware whether that man was in the habit of treating the jury with punch or spirits?—I cannot say; he may have done it unknown to me.

4967. Had the jury a room to retire to in case they should want to deliberate upon their verdict?—Yes.

4968. Was that room next to the place in which the court was held?—The room was up stairs in the same house. They used not to retire unless there were three or four or five cases which they wanted to consider by themselves; then they used to retire; but in actions upon notes or I O U's, and cases there was no difference of opinion in, they did not retire at all.

4969. Then they retired upon these three, or four, or five cases altogether?—Yes.

4970. One of those cases might be the very first that came on in the morning?—Yes.

4971. If they did not agree upon it in the court, they used to retire until they had a good deal of business to dispose of?—It was very seldom that they had any disputed cases to dispose of; most of the business was not of that litigious nature at all.

4972. But the very first case in the day might be one of those disputed cases that the jury might think it worth their while to retire upon?—Yes.

4973. Then there might come two or three undefended or clear cases?—Yes.

4974. After those two or three might come another disputed case?—Yes.

4975. And so on, an alternation of disputed and undisputed cases?—Yes.

4976. In general, they separated the disputed from the undisputed cases, and retired when they had a sufficient number of disputed cases to consider, and not till then; was that so?—Yes, that was so.

4977. What was the greatest number of those disputed cases that you ever knew them take together, and retire upon?—I think there might be five or six.

4978. The room to which they retired was up-stairs?—Yes.

4979. Did the staircase to that room communicate with the room in which the court was held, or with any other part of the house?—It did with the other part of the house, but not directly with the room in which the court was.

4980. Were they kept secluded while they were in that room deliberating?—Yes. Sometimes I sent a beadle when I thought they were likely to be long; sometimes I did not.

4981. Then if a party chose to introduce drink among the jurors while they were deliberating, could he do so without your being aware of it?—I think he might.

4982. You stated yesterday you took the jurymen from among the bystanders?—Yes.

4983. Were the same persons in the habit of acting frequently as jurors?—

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No, I used often to wait half an hour or three quarters of an hour for a jury, sooner than empannel some of those who were in the court.

4984. Did you do that in consequence of considering those who were in the court as not fit persons to be jurymen, or from any other cause?—Considering them not to be fit jurors.

4985. But if a man who was in other respects a fit juror were present, should you refuse to empannel him because he had been on the jury in the three or four last courts?—No, I should be very glad to empannel him again.

4986. Then, very often, the same persons were on the jury for three or four courts in succession?—Yes; if I got good jurors I was very glad they should be there constantly.

4987. Were they not always good jurors?—I made the best selection I could.

4988. Then, would you not be glad to have them appear there constantly?—I should; I sometimes found it difficult to get a jury.

4989. You say you are satisfied with a jury of three, five or seven persons?—Yes; I would rather have three or five good persons, than have 12 mixed.

4990. Had you a difficulty in finding three or five good jurors?—No.

4991. Then why had you to wait half an hour, or three quarters of an hour?—They might not be in the court.

4992. Was the court generally crowded?—Yes; but I did not know one out of fifty of the persons present; I had to ask some of the inhabitants who they were, and what were their characters. There was one gentleman there, Mr. O'Brien, I used often to refer to, to know what the characters of the people were.

4993. A person you would refer to for the characters of other persons, would he not be a very good and fit person to be upon the jury?—Yes; but he would not like to be upon the jury; he might have business in and out of the court.

4994. You said you referred to the shopkeepers of the town?—Yes.

4995. Used you to refer to those persons you were about to empannel upon the jury, or merely to the spectators in the court?—I used to ask a man who was standing about to give me the names of some persons as jurors; sometimes they would mention names, but I would not take them, unless I knew who they were.

4996. You stated as an objection to summoning the jurors, that they were liable to be canvassed and solicited improperly by particular parties, if they were known beforehand?—Yes.

4997. Do you consider that persons who would be unfit from such a cause, if summoned beforehand, would be the fittest possible class of persons to entrust the functions of a jury to, if taken at random upon the spot?—I used to know the persons I would not wish to have upon the jury.

4998. Knowing the persons you would not wish to have upon the jury, could not you avoid their presence otherwise than by not summoning them?—I did avoid it, but it must have happened once or twice.

4999. Do you mean that every one you did not summon you wished not to attend upon the jury?—Yes.

5000. Then your not summoning a person was a proof that you did not wish to have him upon the jury?—I sent up directions to the bailiff to summon a jury; I sent up printed summonses in blank; and sometimes there were persons summoned I did not approve of. I found that for three or four courts, and then I gave up the idea of summoning a jury in that way.

5001. Then the reason why improper persons were summoned was, that you intrusted the duty to your bailiff?—Yes.

5002. How long did you say you have been seneschal of these manors?—Since the year 1809.

5003. You have had time enough to be acquainted with the inhabitants in that space of time?—I go there at 12 o'clock in the day, and I leave it generally about six or seven in the evening; I have no communication with the people after that. I know some few, but I do not know the generality of them at all, for the jurymen are not confined to the town of Corrafin.

5004. Do you not think if, instead of intrusting the duty of summoning the juries to your bailiff, you had made out a list yourself from the information which you might receive from the respectable inhabitants, you could produce a respectable jury, and a number of honest jurymen in that district?—They very often

often refuse to attend; it was often merely as a matter of compliment to me that they attended. I inquired if I could enforce their attendance, and, from all I could learn, I could not.

5005. Do you make it a practice to excuse a person from serving upon the jury on a particular day, if he states he has served frequently before?—Never; I never heard a man require that. A man might say "I have business to-day, and I cannot stop;" if so, I do not press that man's attendance.

5006. You have left it to those who were willing to be jurors?—I got a jury of those who were willing to serve. At first I used to make an entry of all the processes that were to be tried, and I then judged from the cases whether there was any difficulty about them. If there were any cases that required a strict inquiry, I was more particular about the jury; but if they were only matters of course, such as actions upon notes, or I O U's, or things of that sort, then I was not so particular: that is the real truth.

5007. Did you ever overrule the opinion of the jury in your court?—No; if I found they gave a verdict contrary to my opinion, I advised an appeal to be lodged.

5008. You recommended the party to lodge an appeal?—Yes.

5009. But you confirmed the verdict at the time, and signed the decree?—Yes; but I advised the party to appeal, and gave him every facility for doing so.

5010. Did you not give that facility to every one desirous of appealing?—Indeed I did not. I have known appeals lodged merely to gain time; and when I knew they owed the money, and that they only appealed to gain time, I did not give them any facility.

5011. You took upon yourself to judge whether the appeal was *bonâ fide*, or to gain time?—I knew very well from the facts; I have heard them often say, the thing would be settled before the assizes, and they only wanted to gain time. I have been obliged to receive an appeal, though I have known that the parties came with the appeal ready signed. I have sometimes refused to receive it, and said, "I will not have an appeal lodged upon such a case;" but I have been obliged to receive it. If they apply to an attorney in the country, they will come with an appeal ready cut and dried before the case is tried at all.

5012. A statement has been made by a former witness, that you ruled cases without the assistance of a jury, or that you said, "Let this man have a decree," without reference to the jury at all; is that a correct statement?—I might have said, "Let the man have a decree," but at the same time considering that was the opinion of the jury.

5013. You said that as a recommendation to the jury?—Yes, I have no doubt I have; indeed in some cases I am sure I have decided without the jury; but that was where the parties consented that I should do so as an arbitrator between them. If there is reference made to the attorneys of Clare, I am sure they will say I have acted as fairly and as honestly as any seneschal in Ireland.

5014. Have you ever given the jury a treat when the court was over?—I think for about eight or ten times during the time I have been seneschal, I have ordered them a tumbler of spirits and water after the fatigues of the day, but not as a bribe; that was not till the evening, after the court was over.

5015. As a refreshment after a hard day's work?—Yes, for losing their time to oblige me; I was receiving money and they were losing their time, and I should say it would be a great hardship, if they wanted a glass of spirits and water and I would not let them have it. It was not for drinking these people asked for it; they were not drunkards, nor fond of drinking.

5016. Have you observed any bias in the minds of the jury in favour of a rich suitor and against a poorer one?—Decidedly not; on the contrary, a poor man's case has been considered more than a rich one's.

5017. Have you ever known the jury to murmur at your charge or your directions to give a decree to a party?—No.

5018. Do attorneys often attend your courts?—Occasionally; I have seen Mr. Green there and Mr. Scott, I have also seen Mr. Cullinan there, but not frequently; they have been there.

5019. These are gentlemen who practise at the sessions court?—Yes; they have not been there often; I remember Mr. Cullinan attending on two or three occasions.

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5020. It is only on extraordinary occasions that attorneys attend?—That is all.

5021. Who practise as agents in your court?—The only agency I allow is merely to state the nature of the process, or read it over, and then to fill up the decree, leaving me to fill up the special bailiff's name and sign it.

5022. Who act as agents for those purposes?—There is a man of the name of Conway who generally attends there, and his father used to attend; Mr. O'Brien was another attorney who used to come there sometimes.

5023. I mean persons acting as agents who are not regular attorneys?—I cannot say there are any regular agents. I very often read the process to the jury myself. When a man handed me his process, I read it, and repeated any remarks he wished to make; and I did it for the defendant in the same way.

5024. If instead of your doing so they got one of the other agents to read the process to the jury, and to do the work you sometimes do for them, have they any fee to pay to the other agents?—Yes, they have.

5025. Is that a fee allowed by the statute?—Yes.

5026. Two shillings?—Yes; sometimes they only get 1 *s.*, and sometimes only 6 *d.*

5027. Do you conceive they are entitled to that fee of 2 *s.*?—Yes, that is the allowance in the Act of Parliament.

5028. The allowance in the Act of Parliament is to an attorney?—Yes.

5029. Do you conceive that applies to a person not sworn or licensed as an attorney?—I conceive that a person who has trouble in filling up the process is entitled to a fee. I never interfere about it; I only give the regular costs of the decree.

5030. In case, instead of employing these agents to read over the processes for them, the parties handed it to you, is there then any charge for an agent?—No, the Act of Parliament only allows 5 *s.* 6 *d.* costs, and in making out the costs I do not allow them to charge the attorney's fee.

5031. The 5 *s.* 6 *d.* costs does not include any part of the attorney's fee?—No, that would make it 7 *s.* 1 *d.*, if the attorney's fee were included. In cases where the costs were more than 5 *s.* 6 *d.*, I have seen the decree reversed upon appeal by the judge of the assizes.

5032. On appeals from what court?—From Colonel O'Brien's court.

5033. That is, Lord Egremont's manor?—Yes.

5034. Did one of the Conways, the elder of them, ever act as a kind of registrar or clerk to the court?—Never.

5035. Then if it has been so stated, that is an erroneous statement?—Certainly, no man ever made an entry in my book but myself.

5036. Was he in the habit of filling up decrees?—Yes, in the same way as the sessions clerk, or by the attorneys at sessions; it must be done by somebody; if I had time to oblige the persons, I would do so; I have done so, but I do not conceive it to be any part of my duty. I believe the assistant-barrister considers that the party, or his attorney, is obliged to fill up his own decrees, and I conceive that I rank in the same way.

5037. Are you aware whether, in general, these agents charge the full fee of 2 *s.*?—I am sure they do not; they could not get it; I have known Conway to go to the court frequently, and go home again without earning 1 *s.*

5038. Was that in consequence of his not getting any work to do?—Yes.

5039. The parties filling up the decrees themselves?—Yes, just so; if I had leisure, I should do it for them.

5040. Did a woman of the name of Doyle practise in your court?—No.

5041. It appears in the evidence of two persons, who have been witnesses before this Committee, that she used to attend and act as an agent in your court; is that statement founded in fact or not?—It is utterly false; I may be allowed to explain that she was the widow of the former bailiff; he died, and one of her sons succeeded his father; he is dead, and she has another son now, who does business in the court. I never saw her do more than collect the money for the processes served in the court, for her son or for her husband; they used to serve the processes for the plaintiff without getting the money, and then on the court day they would get the money from the people they used to serve the processes for; but as to any more agency than that, I solemnly declare it is no such thing.

5042. Did she ever address the court or the jury?—Never.

5043. Did

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5043. Did you ever know her assist in making out accounts, in case of a book debt, between parties?—No, she was not capable of doing it; I believe she does not read or write; she was a very troublesome woman; I was very often obliged to turn her out of the court; she would sometimes be drunk, and make a great noise, and I was very often obliged to turn her out.

5044. So that instead of an agent, she was an obstruction to the business?—She used to be very often.

5045. Was she such a busy person that any one not acquainted with the business of the court might mistake her for an agent?—I do not think the person who gave the evidence could do so; I may state I never saw that person in the court more than twice, so that he could not have given his description of the court from anything within his own knowledge.

5046. We have had the evidence of another witness who has been a juror in the court, and who has been a suitor in the court, and he mentions that this Mrs. Doyle acted as an agent in different cases?—The only thing I ever saw her do, was collecting the money that I have mentioned. I distinctly deny the agency; there was no other agency than that. I considered her no more than anybody else. To the best of my knowledge, she can neither read nor write.

5047. Other persons did not disturb the court as she did?—Yes, I have been obliged to get persons turned out of the court frequently since I was refused the assistance of the police.

5048. Did other persons use to be drunk?—Yes, perhaps persons would come in drunk from the streets.

5049. The witness Fitzpatrick was asked, in question 1260, "In what way did she act as an attorney?" and his answer is, "Interfering with the witnesses; asking them questions relating to the case, as any attorney would do." Is that a correct statement?—Not in my presence; it might have occurred in the street, but she never asked a question in my presence. I would not allow her to do so, or anybody to interfere with the business after he was sworn.

5050. Mr. *Lucas.*] I presume she might have put questions in a different part of the court out of your observation?—Yes, it was a long room, and a great deal might occur in the lower end of the room, which I might know nothing about; I have been often obliged to call out about the noise, and stop people, and request them to be quiet.

5051. But you distinctly state that she never acted as agent before you, or while the case was being tried, nor ever addressed or questioned the witnesses while before you?—Certainly not; all her interference was collecting the money as I have stated. She might have done anything she liked at the lower end of the room, or in the street.

5052. *Chairman.*] With regard to the process of attachment, that is used in your court?—Yes.

5053. What is the pecuniary jurisdiction in your court in point of amount?—£. 10 is the sum; I understood we had a power of extending it to a larger sum, but the generality of the sums are under 10*l.* I remember there was one particular instance in which there was an action brought for a debt of 18*l.* or 20*l.* under an attachment; it was removed to the upper court; it was brought to trial at Ennis, and it was confirmed.

5054. Are these attachments called distringases or distringoes?—They are called distringoes by the lower order.

5055. Do the people ever mistake the process of attachment for the final decree?—I believe not, because whenever they get those they make inquiry, and I give them every possible information; so that there can be no mistake of the kind.

5056. You think of themselves they know the law pretty well?—I am sure they do.

5057. Whatever you may think of them as jurors, you think they are pretty good lawyers?—Yes, I think they know what they do very well.

5058. At any rate, whether they are ignorant or not, do you imagine that they would often pay an unjust demand rather than undergo the inconvenience and expense of contesting it, when their goods are seized under the attachment process?—Certainly not, because the facility they have of coming in and giving security to abide the decision of the court, leaves them no excuse of that kind.

5059. What are the costs of the attachment process, supposing it is defended in

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in your court?—The costs of the attachment issuing is 5*s.* 6*d.* under 40*s*; if it is above 40*s.* and under 10*l.* it is 7*s.* 6*d.*, and 1*s.* for the process.

5060. But if they come into court they have more to pay?—Three shillings and sixpence more, that is the entire; we never include more in the decree than the costs allowed under the process; the plaintiff loses the remainder.

5061. Upon the attachment?—Yes, we never give more, because, in fact, though the attachment issues, it is upon the process the decree is founded; the mere process is served, and if that comes to trial it is upon that the decree is founded.

5062. A witness has stated that the criminal jurisdiction was once evaded by means of the attachment process; are you acquainted with the facts of that case?—No, I heard the fact was so, but I never could find out who the parties were, and if it occurred, I must have heard of it or known of it; I heard it spoken of by attorneys that such a thing occurred, that a man was saved from transportation by it.

5063. Did you hear it from persons who were worthy of belief?—I do not consider that it was true; I attended the assizes frequently, and I should have heard of it if it occurred, but I believe no such occurrence ever took place.

5064. Those attachment processes, are they issued by your bailiff?—No.

5065. By yourself?—Yes.

5066. Do you take an affidavit upon them?—Sometimes I do.

5067. Not always?—No; I conceived for a long time it was necessary to take an affidavit that the man was running away or leaving the country, but I took advice and I found it was no such thing; that I was at liberty to issue an attachment merely to bring him before the court. I make inquiry into the debt, and get sufficient reason to see the thing is a fair demand before I issue any order.

5068. Then is the attachment filled up in your own handwriting?—Certainly.

5069. Signed by you?—Drawn and signed by me.

5070. Dated by yourself?—Yes.

5071. Are you aware whether all other seneschals in the county of Clare follow the same practice?—I cannot say.

5072. I believe some of them confided the issuing of attachments to their bailiffs?—I do not know.

5073. I believe some of them have been careless as to the date of these attachments?—I do not know.

5074. Do you not conceive it possible, if a person were unprincipled enough to defend a prisoner in the manner stated, it might have been done without your knowing it?—It might have been done without my knowing it. I remember formerly (I believe for about three or four years after I was appointed seneschal) I was not aware of the consequences which attended attachments, and I used to leave some of them at that time, with my name signed in blank, with a man of the name of Hynes, and when I found the custom was bad, I gave it up.

5075. Might not another seneschal follow the same practice?—Certainly, he might.

5076. And might not an unprincipled attorney, or friend of the prisoner, take advantage of that, and defend him in the manner mentioned by the former witness?—It is possible; but I think, if the thing had been done, I should have heard of it.

5077. Do you think a man who had done it would have told of it?—It must have been exhibited on the trial; nothing could have saved the man but the production of it. There was a story told, 20 or 25 years ago, that such an occurrence took place; but no such thing, I will venture to say, has occurred within these 10 or 12 years.

5078. Then you merely mean to say it has not occurred lately?—Certainly not.

5079. But you do not mean to contradict the fact that it occurred at some time or other?—I heard of it 20 years ago.

5080. Might it not have been done while you were seneschal yourself, and while you followed that practice which you condemn as a dangerous one, the leaving the attachments signed in blank?—Yes, it might; but if it had been done, I should have heard of it, I think.

5081. Then your contradiction of the answer of the former witness, in this point, is not a general contradiction, but merely a statement that it cannot have occurred within the last 10 or 12 years?—

5082. Mr.

5082. Mr. *Bridgman.*] Do you not think it would be right, in every instance of an attachment issuing, to have an affidavit?—I think in some cases it would be necessary, but not in every case.

5083. Why not?—Because the production of the document, the note or I O U, I consider to be sufficient.

5084. Must not the plaintiff, if he makes an affidavit, swear that the man is running away, or that he wishes to evade the payment of his just debts?—No, that is the impression of the lower orders; but the words of the attachment are, "to detain the goods of such a person until the next court-day, and to make a return upon the next court-day that you have executed my precept;" and it is executed at the plaintiff's peril.

5085. I wish to know for what reason his goods are distrained if he is not going away?—Because very often a man is making a transfer of his goods, or giving them away to his son or his daughter, when he finds there are demands coming upon him which he is not able to bear up with; he makes a transfer of his property, and therefore to avoid that, a man comes and says, "If he will give me any reasonable security, I will not take his goods; I do not want to press him, but I am sure some persons are coming down upon him, and I want my money." These are the reasons which are given by parties. I remember, some time ago, a man was about going to Connemara, and there were three persons came to me, two of them took out attachments, and they got their money; but the man has gone away since, and if he had gone away to Connemara at that time, they never would have got a shilling. One was a poor servant man, and he could get no satisfaction; and when he found the order was made, he paid the money. They sometimes do harm, and sometimes do good.

5086. *Chairman.*] In any of the manors over which you preside, have there ever been complaints as to malpractices in the execution of decrees?—There may be complaints sometimes; there have been rescues.

5087. To whom is the execution of the decree intrusted?—To one of the bailiffs of the court.

5088. Are there ever bailiffs appointed at the will of the plaintiff?—In some instances there are persons appointed; when it is very inconvenient to the plaintiff, he says, "It will be very expensive to me to be watching this man, and if I bring a bailiff with me he will know I am coming to execute a decree;" and often it occurs that he gets a specialty of his own.

5089. Are those rescues frequent?—Of late they have become more frequent, as they are recommended by the sessions' attorneys.

5090. Upon what grounds have the sessions' attorneys recommended it to them?—For the purpose, I think, of altogether knocking up the court; that is their object.

5091. Have they in all cases endeavoured to encourage these rescues, or have they confined those recommendations to cases where there was a question of doubtful boundary, or where it was asserted you had exceeded your jurisdiction?—I think, generally, the assertion they make is, that they are not in the manor; it is the question of boundary that is the cause of a good deal of it.

5092. Has there ever been an objection to the legality of your decree, on the ground that the number of the jury was not sufficient?—No.

5093. Then the sessions' attorneys never hit upon that point of law?—No, they have known it themselves, and have been there frequently; Mr. Green has taken out a decree, and saw there were only five jurymen empanneled; and Mr. Cullinan saw there were only seven jurymen empanneled; I never knew a point made upon it.

5094. Are the boundaries of your manor in practice well known?—I do not think they can be well known; I did everything I could to define them, but there were very old names in the patent; many places had got new named, and I could not possibly make them out. The situation of the place may be perfectly correct and right, but it may have got a new name; and if you do not find it in the patent, the decree is reversed. I got the patent out of the Rolls Court, and it did not give me half the extent of the manor, and I complained about it; but I could not get it set right. I had the original patent in court, that is a large part of it; and if I had not an abstract or attested copy from the Rolls, it would not be taken as evidence. I examined it as to a part which was undoubtedly in the manor, the town of Corrafin; an attorney set up as a defence, it was not in the manor, and it was not exactly defined, although it was

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a branch of the town of Inchiquin; Inchiquin was the old name of the town, and I appealed to the judge, and the judge ruled that so, and confirmed my decree.

5095. But since you found the constat from the Rolls Court to fall short of the original patent, have you in practice confined your jurisdiction to those places mentioned in the constat, or have you still exercised jurisdiction in the more extensive district comprised in the original patent?—Yes; I did not confine myself to the constat, because if I did, I should do very little business.

5096. But do I not understand you to say in appeals, the judges have over-ruled your decrees where the places are not mentioned in the constat?—Yes.

5097. And though the judges have over-ruled your decrees, you have taken upon yourself, in defiance of their decision, to exercise jurisdiction in places not mentioned in the constat?—Yes, I have; because I have known they were in the manor.

5098. And have not the parties appealed in consequence of that?—There have been very few appeals indeed.

5099. You stated just now, you thought there was too great facility for entering appeals?—I am sure of it.

5100. And you take upon yourself, as far as you can in practice, to impose a check upon that too great facility?—Yes; where I see the thing is fair and right, and where I see the money is fairly and honestly due.

5101. Where you yourself conceived the money to be fairly and honestly due?—Yes.

5102. Your decision in all cases, I suppose, is upon proof which satisfies you that the debt is fairly and honestly due?—Yes; and I use every means to get all the proof I can.

5103. But in every case the decision is in conformity with the proof?—No; sometimes the jury may not coincide with me.

5104. Whenever your opinion coincides with that of the jury, you endeavour to check appeals as much as you can?—Certainly.

5105. What do you conceive was the object of the legislature in allowing appeals at all?—I think the object was where people were aggrieved, or hardshipped, to enable them to bring it before a superior court.

5106. Do you conceive it was to relieve persons who are aggrieved or hardshipped, or persons who imagined they are aggrieved or hardshipped?—I think it may be applied to both; for a person who conceives himself hardshipped has a right to appeal. I have been applied to, to take appeals, and have been told that the thing would be settled before the appeal came on, and I refused to take it. I have been served with a latitat by an attorney in consequence of refusing to take an appeal.

5107. Did the action proceed?—No.

5108. What did you do?—I refused the appeal at first, and then the man came to me afterwards, and I took the appeal. The attorney was not aware of that when he sent me the latitat; but out of consideration for the unfortunate man I let it drop, though I might have put him to 10*l.* or 12*l.* expense.

5109. How do you, in practice, endeavour to avoid these appeals?—I make objections to the sureties; if they bring any two persons as sureties, no matter who or what they are, they think they have a right to appeal; and then the attorney thinks if I refuse the appeal, knowing these people to be insolvent, I am doing wrong; they conceive that under any circumstances I am bound to take the appeal.

5110. But supposing they bring solvent sureties for the amount?—If they do, I take the appeal.

5111. In all cases?—Yes.

5112. Even though they admit that the appeal is lodged for the purpose of gaining time?—Yes; I could not refuse it then, I conceive; I conceive I should be doing wrong.

5113. What time is allowed them for entering appeals after the decision of the court?—They may lodge an appeal at any time before the next court-day; they have four days after the decree is executed; and, therefore, they have four days after the trial for lodging the appeal, which they may perfect before the next court-day.

5114. If the decree be not executed, can they lodge an appeal with you at any time before you go into court on the next court-day?—Yes.

5115. When

5115. When you say the next court-day, do you mean the next court held in the same place?—I do.

5116. Can they lodge it at your residence?—Yes.

5117. Do they often in practice resort to your residence for the purpose of lodging appeals?—Sometimes they meet me in the town of Ennis, and say they have an appeal to lodge, and I say, "I cannot take it here; I have not the book with me; you must come to my house;" and they do so.

5118. Do you give them every facility for lodging an appeal at your residence?—Yes, when I am determined upon taking it.

5119. Supposing you think it is a vexatious appeal, do you give them those facilities?—I take it, though it is contrary to my wish and my opinion; I do it more reluctantly.

5120. I understood you to say, you threw every obstacle in the way of lodging appeals for vexatious purposes; in point of fact, what are those obstacles?—I object to the sureties.

5121. Any other?—No; if the bond is wrongly drawn when it is sent to me, I state that, as another objection; but no matter, if they are determined to persevere, they lodge the appeal.

5122. The most perseveringly litigious person is the person most likely to succeed in lodging his appeal?—Decidedly.

5123. Might it not happen that a person who really imagined himself to be in the right might be unable to lodge an appeal from these obstacles being thrown in his way?—No, I do not throw any obstacle in the way of an appeal, which I see is a just one.

5124. Your opinion is not infallible upon that point; is it not possible a man may conceive his case to be a right one, and you would not think so?—Certainly.

5125. Then is it not possible that such a person may be put to great inconvenience and great injustice?—No, because the same evening he may come to me in the town of Corrafin, after I hold the court, or he may come to me the next day at my house.

5126. How far is that from the town of Corrafin?—They hardly ever lodge an appeal the same day; perhaps the court-day is Thursday, and they come on the market-day, which is Saturday, and I tell them to come to my house, and bring the sureties with them.

5127. Do you always meet them punctually at your house?—Certainly, and if I am not at home, I give them notice of it.

5128. And do you give them notice of the next time when they will be able to find you?—Yes.

5129. Do you endeavour to make that time suit their convenience in all cases?—Indeed I do.

5130. Whether the appeal be vexatious or not?—I cannot say that; I remember in one case, I met a man coming to lodge an appeal within a mile from my house; I was going up to Burren, and did not stop; perhaps if I thought it was a just case, I would have gone back a mile.

5131. Was he able to lodge the appeal before the next court-day?—Yes, he was; he followed me to Burren.

5132. How many miles was that?—It was not to Burren, but to a place near Ennistymon, about 14 miles; 10 miles from his own house.

5133. About 14 miles from where you met him?—Yes.

5134. Now, in that case, though in your judgment that man's appeal was a vexatious appeal, if it had not been so, would not great hardship have been done to him?—I was as sure of it as that my right hand was on my arm.

5135. Mr. *Lucas.*] What was the result of that appeal?—They never brought it to trial.

5136. Was that brought to trial?—No.

5137. *Chairman.*] Do you consider the law upon the subject of appeals gives too much facility for entering vexatious ones?—I do.

5138. Do you not think the law ought to provide further security against lodging vexatious appeals?—I do.

5139. Do you consider that lodging the amount of debt in court would be a sufficient security?—I would not recommend that in the seneschal's court.

5140. Why not?—Some of the seneschals are not solvent; that is one reason.

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5141. But if security is taken for the solvency of the seneschal, would you think it might be done?—I think it had better be lodged in the clerk of the peace's office.

5142. With some responsible officer?—Yes.

5143. What security do the seneschals give in your county?—I believe 500 *l.*

5144. What do the other seneschals?—They are bound to do the same.

5145. Do they all, in point of fact, do so?—I believe they do; it is imperative upon them by the Act of Parliament. I know Colonel O'Brien did, and I did.

5146. Do you think that the distance of time at which the appeals are tried is an inconvenience, supposing the case were a *bonâ fide* appeal?—I do; I think it is a very great inconvenience, and that it should be remedied, for the delay answers the purpose of the parties; all they want is the time they get from assizes to assizes.

5147. Have complaints of the bailiffs acting oppressively in the execution of decrees ever been made to you?—I never knew them to act oppressively.

5148. Have you ever heard of their receiving bribes, upon consideration of their acting with forbearance towards the party?—I have.

5149. Do you not consider that oppressive?—I only heard the report of it; I got no evidence of it; only assertions.

5150. Were those assertions made by persons of good character?—Made by the plaintiff complaining of delay; saying the bailiff might have executed his order if he had not been complimented by the defendant, or something of that kind.

5151. Did you ever think it necessary to enter into any investigation of those charges?—I did formerly, but they always remained unproved.

5152. Do you not consider that if they were proved, it would be a case of gross oppression?—Decidedly.

5153. Are the bailiffs generally persons of good character?—Generally the same as sessions' bailiffs.

5154. Have you ever known any of them to be persons who could not be believed as witnesses?—I never heard of it until I saw it stated in the evidence. I know the man alluded to, and I never heard of his being disbelieved.

5155. You are not a magistrate?—No; I think there was an order made that no seneschal should be a magistrate.

5156. When was that order made?—I think about two years ago; Colonel O'Brien was a magistrate originally, and he was refused his renewed commission.

5157. When did you hear that Colonel O'Brien had been refused his commission?—I applied to Government for the aid of the police, and I stated that Colonel O'Brien was a magistrate of the county, and acted as a seneschal, and was therefore able to call in the police, which I could not do. While he was a magistrate he used to get the police to attend his court. Some occurrence took place, I believe the accession of his late Majesty, by which the commissions were obliged to be renewed, and then Colonel O'Brien's commission was refused, and I understood that no person who was a seneschal was to be allowed to be in the commission of the peace. Major Warburton refused to give me the police, and I had to write back again. I had several communications from the Government, and the decision was, that I must always make an affidavit that I apprehended a riot on the court-day before I could get the aid of the police.

5158. Did Colonel O'Brien tell you that he had been refused the commission of the peace on that account?—I think so.

5159. Are you aware that, in point of fact, one half of the seneschals in the north of Ireland are magistrates?—No; I was recommended at one time, by the late Sir Edward O'Brien, to the Lord Chancellor to be put into the commission of the peace, but I heard no further of it.

5160-61. When was that?—That was about 12 or 14 years ago.

5162. Are you aware that Mr. Martin, a seneschal of the manor of Killaloe, is a justice of the peace for the county of Clare?—I have heard that.

5163. When did you hear that?—I have known Mr. Martin for a long time.

5164. When did you hear he was a justice of the peace?—Several years ago.

5165. Did you hear that he was refused a renewal of his commission at the same time as Colonel O'Brien?—I did not.

5166. Then how do you account for your former answer, that you understood

stood no seneschal was to be a justice of the peace?—I understood that was the order made; as well as I remember, it was Colonel O'Brien himself told me so, and it was in consequence of that he was refused his commission.

5167. Did Colonel O'Brien allude to Mr. Martin being exempted from that order?—He did not.

5168. Did you believe that was the reason why Colonel O'Brien was refused the commission of the peace?—I did, and I believe it at this moment, or I should have made some exertion myself to get into the commission.

5169. What do you believe was the reason Mr. Martin was exempted from that rule?—I do not know; I believe Mr. Martin was also a clergyman of the Established Church.

5170. Do you think his character as clergyman blots out his character of seneschal in the eyes of the Lord Chancellor?—I understood it was a rule that no clergyman was to be in the commission of the peace.

5171. Then as no clergyman was to be a magistrate, and no seneschal was to be a magistrate, Mr. Martin being both, was allowed to be in the commission of the peace?—I believe the fact is so.

5172. Are there many other manor courts, beside those over which you preside, in the county of Clare?—Colonel O'Brien holds many courts, and Mr. Colpoys is seneschal to Mr. Vandeleur of Kilrush.

5173. Colonel O'Brien holds a number of manor courts?—He does; very extensive ones.

5174. Are you aware whether he has ever been accused of exceeding his jurisdiction?—I am sure he must have done so.

5175. He must have exceeded his jurisdiction?—Yes, I think he must in some parts, and not gone to the full extent of it in others.

5176. Are you acquainted with the practices in the other courts in the county of Clare?—I have been in Colonel O'Brien's courts.

5177. Have you ever been in the court at Crusheen?—Never.

5178. Who is the seneschal of that court?—Colonel O'Brien. While they have a right of appeal on the ground of want of jurisdiction, there will always be broils.

5179. That is in consequence of the extent of the jurisdiction not being well defined?—Yes.

5180. Are there not inconveniences also in the fact of detached parts of the estate belonging to different manors?—Indeed there are.

5181. And intervening places belonging to no manor at all?—Just so; there is no manorial right, and yet they exercise a right over it.

5182. Are there many parts of the county of Clare over which there are no manorial rights and no manor courts?—There are.

5183. Do you find that the owners of these properties complain of the want of manor courts?—I never heard them complain of the want of manor courts; I have heard the people say they were very useful in districts where there were no sessions held. I was talking to them some time ago, when there was an idea of the manor courts being abolished, and I heard the people say it would be a great loss to them.

5184. Do you think the inhabitants of districts where there are no manor courts, complain of the want of them?—I have had no opportunity of hearing them.

5185. Have you ever heard that they did?—No.

5186. Are you acquainted with the value of the property in Clare?—I am not.

5187. Have you known property bought and sold?—Yes.

5188. Have you ever known property sell for a lower rate of purchase in consequence of the absence of a manor court?—No, I never heard that it was taken into consideration. Sir Edward O'Brien has bought the townlands of Corrafin, and he thought he would have the manorial rights when he bought the land, and he thought to turn me out as seneschal, but my appointment was for life, and he could not remove me; but he attempted it. Upon my death his heir will have the appointment; and if the courts are continued it will be of some value to him.

5189. Has he bought the whole of the manor of Inchiquin?—Yes.

5190. The entire manor?—Yes.

5191. Undivided?—Yes.

5192. Have

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5192. Have you a copy of your appointment?—Not with me; I did not bring it with me. It is upon a stamp, and it is for life, on good behaviour.

5193. From Lord Thomond?—Yes.

5194. The estate of that manor is not now in the hands of the lord of the manor who appointed you?—Part of it; there are different manors.

5195. I speak of the manor which the late Sir Edward O'Brien has bought?—That is the manor of Inchiquin.

5196. Has Sir Edward O'Brien bought the whole of the manor of Inchiquin, or only part of it?—The whole of it; but I have the appointment of other manors under Lord Thomond, which he has not sold.

5197. I speak of the manor of Inchiquin?—Yes; he has sold it to the late Sir Edward O'Brien, with all the manorial rights.

5198. Before he sold it to Sir Edward O'Brien was it in the hands of the Marquis of Thomond himself, or was it held under him upon any long leases?—The lands were all set to different tenants.

5199. Directly under Lord Thomond?—Yes.

5200. Do you find a difference with regard to the power of enforcing the attendance of jurors, and as to the influence which you have over the inhabitants of the manor, between the present time and the time at which they were under the direct control of the party appointing you?—No, I found no difference.

5201. Did Lord Thomond interfere at all in enforcing your authority?—I went to him, and he told me not to give up my right; that my appointment was good, and Mr. Crowe, his agent, always told me the same.

5202. That was after he sold the manor?—Yes.

5203. I am speaking of the time before he sold the manor?—I held my appointment under Lord Thomond; I did not know that he had sold the lands.

5204. I ask at the time when that had not happened, at the time that the lands were in Lord Thomond's own possession, did he interfere at all in the enforcement of your authority as seneschal?—No, he did not.

5205. He did not endeavour to induce his tenants to attend the court as jurors, or to keep order and pay respect to you?—No, he was not in the country at all.

5206. Did his agent interfere?—No, indeed.

5207. Are there not many of these manors in which the possession of the property has actually passed away out of the hands of the lord of the manor altogether?—I was speaking to Mr. Crowe, the agent of Lord Thomond, some time ago, and he told me though Lord Thomond sold different parts of his lands, yet he made no sale of the manorial rights.

5208. Even in the manor of Inchiquin?—Yes; Sir Edward O'Brien asserted that he had.

5209. In point of fact, do you know whether, in the manor of Inchiquin, the manorial rights are still in the hands of Lord Thomond, or in the hands of the representatives of Sir Edward O'Brien?—I think they are now in the family of Sir Edward O'Brien.

5210. Then your answer must now refer to other manors?—Yes.

5211. And Mr. Crowe told you that in other manors, though he had sold parts of the property, he retained the manorial rights?—Yes; but that was an entire sale to Sir Edward O'Brien.

5212. That refers then to the manors of Burren and Corcomroe?—Yes.

5213. Then, in those parts in which the lord of the manor has sold the property, retaining the manorial rights, does he not lose all that control over the inhabitants, and all that interest in their welfare, which was the original ground of his attaining the power of holding these courts?—He does so.

5214. These courts were given to the proprietors, in consideration of the interest which they had in promoting obedience to the laws among their tenantry?—I believe so.

5215. When the inhabitants ceased to be their tenantry, the consideration in respect of which these courts were granted ceased?—Certainly.

5216. In Lord Egremont's manor, has he the control over one acre of his own ground in Clare in his own hands?—I think not.

5217. Is not a large proportion of Lord Egremont's estates in the county of Clare conveyed away on fee-farm rents, and has he not a mere chief rent out of those lands?—I believe so.

5218. In

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5218. In those cases of chief rents, is not the control of the property taken out of the hands of the lord of the manor?—Indeed, I think so; he does not know anything of it.

5219. Then is not the lord of the manor in those cases a perfectly irresponsible person?—Certainly.

5220. Do you think it right that an irresponsible person should have the power of controlling the administration of justice?—I do not.

5221. Do you not think, if these courts were retained, it would be a great advantage that the appointment of the officers of them should be in responsible hands?—I think so, for many reasons.

Veneris, 7° die Julii, 1837.

MEMBERS PRESENT.

Mr. Bridgman.	Mr. M. J. O'Connell.
Mr. Hamilton.	Mr. Wyse.
Mr. Jephson.	

M. J. O'CONNELL, ESQ. IN THE CHAIR.

Mr. *Joseph Raughan,* called in; and further Examined.

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5222. *Chairman.*] IN answer to question 2035, a former witness stated, "I have seen a drunken man upon the jury more than once or twice;" what is your recollection upon that subject?—There never was a drunken man upon the jury in my court.

5223. You can state that distinctly of your own knowledge?—Positively; I would not allow anything of the kind; I would not even allow a drunken man to be in the court; I would have him removed. If I saw that a witness was drunk, I would try to avoid having him sworn.

5224. You have stated that you would not allow a witness who was drunk to be sworn?—Certainly not.

5225. Have you ever seen persons brought forward as witnesses who were what is called the worse for liquor?—Sometimes.

5226. Do you think in any court that can be altogether avoided upon some occasions?—Not their being tendered as witnesses.

5227. Or in some cases their being sworn as witnesses?—I think not.

5228. At the petty sessions court, for instance, does it not often occur to you to see persons give evidence who are certainly not in a perfect state of sobriety?—I cannot say I have observed it; I think if the bench knew that they were drunk, they would not receive their evidence.

5229. I do not mean drunk, but in a state of excitement from liquor?—Yes, a man may be excited by liquor, without being incapable; a man may take liquor to give him confidence in giving his evidence.

5230. Do you think you took as much pains to prevent persons in that state from coming into your court as witnesses, as the bench of magistrates at petty sessions do?—Certainly I do.

5231. Mr. *Hamilton.*] Do you draw a distinction between a witness being examined in a state of partial intoxication, and a drunken man being sworn upon the jury?—Certainly; I would not allow a juror to be sworn in a state of intoxication at all; a man never tendered himself as a juryman in my court in such a state. The most respectable inhabitants in the barony visit the court, and they would not allow anything of the kind to pass over; I frequently have magistrates attending with me and sitting in the court in Burren.

5232. *Chairman.*] In answer to question 2007, it is stated, "if there was a verdict for the plaintiff they (the jury) sent for him, and he would give each juror 1 *s.* or something to drink; if there was a verdict for the defendant it was just the same." Have you ever known that to take place?—I have strictly avoided anything of the kind: to say they never did give a shilling I could not; but if they did, it was unknown to me. I mentioned they might get drunk before, but as to the shilling it was no such thing.

5233. When the jury retired, you mentioned in your last examination that

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the party might give the jury drink on some occasions without your knowing it, when the bailiff was not in attendance upon them?—Yes.

5234. Might not a party give them a fee of 1 *s.* in the same way, without your knowing it?—I know they would not pay more than they were obliged to pay; and even the shilling for summoning the jury I do not allow the bailiff to ask for.

5235. Would not they object to money paid for whiskey as much as to money paid directly to the jury?—I believe they would.

5236. Then you have no more reason for saying they do not pay the jury a fee of 1*s*. than you have for saying they do not give them drink?—I should have heard of it if they did.

5237. Should you not equally hear of it if they gave them drink?—Indeed I should; but they might have given them drink. When I was first appointed seneschal, the shilling was considered a matter of right, but I found it was not, and I told the people not to do so.

5238. What shilling?—The jury conceived they had a right to a shilling for every verdict, which was 12 *s.*, and no suitor could stand that.

5239. How long did the custom last before you put a stop to it?—I think not more than one court.

5240. Had the practice of paying 1 *s.* to each of the jurors prevailed before you came into the court?—It was asserted so.

5241. And for a long time?—Yes.

5242. You have stated that the 1 *s.* payable to the bailiff for summoning the jury you did not allow to be taken?—No.

5243. Is it not charged for in the costs of the court?—No; it is allowed by the Act of Parliament.

5244. It is allowed by Act of Parliament, but you do not take it?—No; it would make more than the costs. The only costs allowed are 5 *s.* 6 *d.*; if there is a penny more than that the judge would reverse the decree, and therefore I have always brought it as near as possible.

5245. How is the 5 *s.* 6 *d.* made up; in the first place, is there 1 *s.* for the process?—I charge only 10 *d.* for it.

5246. The law allows 1 *s.* for the process?—Yes.

5247. And the law allows 1 *s.* to the bailiff for summoning the jury?—Yes, I think so.

5248. And the law allows 1 *s.* for entry, that is 3 *s.*; and 2 *s.* 6 *d.* to the seneschal for signing the decree?—Yes; that was all Irish money.

5249. Do you mean to say that the 1 *s.* for the process was 1 *s.* Irish money?—Yes.

5250. Was it not 1 *s.* 1 *d.* Irish money?—Yes.

5251. Of the present currency, the law allows those sums I have mentioned?—Yes.

5252. That makes 5 *s.* 6 *d.* present currency?—Yes.

5253. Which was 5 *s.* 11 $\frac{1}{2}$ *d.* of the old Irish currency?—Yes.

5254. Then the shilling to the bailiff for summoning the jury is part of that 5 *s.* 6 *d.* allowed by the law?—Yes.

5255. Have you given up that shilling?—Yes.

5256. Then what costs do you charge?—The same costs, 5 *s.* 6 *d.*

5257. Then why do you say that you give up that 1 *s.* for summoning the jury when you still charge it?—The bailiff gets it for serving the process, but not for summoning the jury.

5258. That is to say, the bailiff gets it for the performance of a duty not recognised by law, he not performing the duty for which the law allows him the fee; is it not so?—The bailiff gets it for service of the process.

5259. That is a duty for which the law gives him no fee, and he does not perform the duty for which the law does give him a fee?—Yes, that is the way of it.

5260. The law says the bailiff, for summoning the jury, shall receive 1 *s.*?—Yes, upon each case.

5261. And your interpretation is, that the bailiff, who does not summon the jury, shall get the shilling all the time?—That is for the service of the process.

5262. But the law allows nothing for the service of the process?—Those are the costs; I do not know how they are applied.

5263. The

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5263. The law directs that the plaintiff shall serve the process at his own cost how he can?—I never met with that.

5264. Does the law allow you to charge any fee against the party for the service of the process?—No.

5265. But you still do so?—I never allow more than 5 *s.* 6 *d.*; I allow 5 *s.* 6 *d.* costs; that is the way of it.

5266. Then do you, or do you not, give up an item in the costs of 1 *s.*?—I do not particularize the costs in the decree, but I say, costs 5 *s.* 6 *d.* That is the way it is put down in the decree.

5267. And a certain portion of the duty of the officers of the court for which 1 *s.* of those costs is allowed is not performed at all, viz., the summoning of the jury?—Except the personal notice in court; I consider that summoning.

5268. Does the bailiff give that notice?—He does.

5269. Mr. *Hamilton.*] Is that the only summoning of the jury?—Yes.

5270. *Chairman.*] When you are empannelling the jury, do you yourself call over the names of the parties who are to be the jurors?—Their names are mentioned to me, and I call them if I think they are fit men. The bailiff says such a man is present, and he comes forward, and if I think him a fit man he is sworn; I call over their names, and make them answer.

5271. Do you call over their names before they are sworn?—Certainly; if a man is standing there and I am told his name, I call him by his name and he comes forward.

5272. Mr. *Hamilton.*] Then is the jury composed of those accidentally in the court?—Mostly; if I am short of jurors I may send out for one man, or another man in the village, and get them in in that way.

5273. *Chairman.*] If any bystander mentions the name of a man as a fit person to be a juryman, you call him?—If I think him a fit man I do.

5274. What does the bailiff do?—He mentions the names of jurors to me.

5275. That is not summoning the jury?—I do not know.

5276. Do you conceive that is the meaning of the words of the Act of Parliament, allowing the bailiff a fee for summoning the jury; do you conceive the intention of the Act is complied with by calling the name of a man in court, and empannelling him if you think he is a fit man to be a juror?—I do not know; I am stating exactly the custom which prevails.

5277. Mr. *Hamilton.*] Do parties frequently challenge jurors called in that manner?—They have done so, and I inquire into the reason why, and if I find it is a sufficient reason I put the person by.

5278. Does it appear where the jurors are taken from those accidentally present, that parties frequently make it a practice of getting their friends to attend?—Not that I am aware of.

5279. *Chairman.*] You conceive that the bailiff is entitled to his fee of 1 *s.* on getting a jury, whether it be by summoning the jury or not; you conceive he is entitled to a fee for that duty?—I conceive if he serve the process he is then entitled to it.

5280. Then if you have given up the fee for summoning the jury, you have put on a fee for another duty, namely, serving the process?—Yes, to cover the expenses.

5281. Upon recollection and consideration, are you quite sure that the Mrs. Doyle who has been mentioned, never acted as an agent for any party in your court?—Certainly not; I never recognised her as such.

5282. You stated you found her disturb the court very much?—Yes, sometimes I was obliged to have her removed out of it.

5283. She used to collect the fees for her sons, who are bailiffs of the court?—She used to collect the money for the processes from persons who had them on time.

5284. That is the shilling you allow for the service of the process?—No; the shilling I am entitled to: I leave the processes to be sold by the distributors, and the bailiff gets a certain number of those from court to court, and on the court day half an hour or an hour before I leave the town, they pay in the money to the distributors, and the distributors settle with me afterwards, so that I have no communication with the bailiff.

5285. Have the distributors ever had occasion to process the parties themselves for the price of those processes?—In some instances.

5286. You are certain that Mrs. Doyle never acted for her sons, or interfered

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on behalf of her sons, in a case where they had to sue for the price of the process?—Never.

5287. How then did she disturb the court?—Talking and making a noise in collecting the money; she used to drink sometimes, and her head used to get bothered.

5288. Disturbing the court and the jury?—Yes, if she disturbed the court, she disturbed the jury; she made a general noise.

5289. Who did she talk to?—To persons in the lower end of the room; I used to hear her noise.

5290. Did she talk to the witnesses?—Not that I am aware of; not before me.

5291. Did she ever interfere with witnesses as they came up to the bench?—I cannot tell that; I cannot tell what may have been done in the street, but not with my knowledge.

5292. Then you are not certain whether she may have acted as an agent out of the court?—I never heard of her being an agent.

5293. She might have helped her friends?—Any busy person might talk in the way she did.

5294. That is a different thing from being an agent?—I positively deny her ever having been an agent; I state that most strongly.

5295. Did she ever interrupt the proceedings; did her disorderly conduct ever go to the length of interrupting the proceedings?—I never saw her disorderly but after the court was over, and then she might be settling with persons and making a noise; I saw her more disorderly on the evening of the court day than at any other time; she often used to make a noise.

5296. But if you did not see her disorderly till after the court was over, why did you turn her out?—I knew her make a noise two or three times when the court was sitting.

5297. Then she was disorderly while the court was sitting as well as after it was over?—Yes, so far as speaking aloud.

5298. She was always in the habit of attending the court?—No, very often I have been there three court days without seeing her at all.

5299. Was she greatly missed?—No, indeed; she has a long family, and I thought her always very correct, except when she was drunk; I saw her sober, and she was very industrious and gentle, and kept her family very well: one of her sons is a weaver.

5300. Did her husband ever act as an agent in the court?—No.

5301. Did he ever fill up decrees?—He might have brought them in filled up out of court, not in court.

5302. He might have charged fees for that purpose?—Not that I am aware of; the people are too knowing to pay for any such thing.

5303. Do they not, in practice, give fees to people who fill up decrees for them when they cannot fill them up themselves?—They may give 6 *d.* or 1 *s.*

5304. Did he get that fee of 6 *d.* or 1 *s.*?—Probably he might.

5305. Then why do you think she never received that 6 *d.* or 1 *s.*?—I stated before that she could not read or write, to my knowledge.

5306. Mr. *Jephson.*] Did this person ever state the facts of the case to you or the jury?—No.

5307. Did she ever argue upon the points which might arise in the case?—Never; nor do I consider her capable of doing so.

5308. Did she ever examine a witness?—Never; nor was she capable of doing so.

5309. Did she ever comment upon your charge to the jury, or upon the verdict of the jury?—Never.

5310. Or do any act whatever in the court which it would have been the part of an agent for either plaintiff or defendant to do?—I conceive not.

5311. Why do you conceive not?—Because I never recognised her as an agent.

5312. But did she ever do any of these acts?—Certainly not.

5313. Did she ever ask questions of a witness to elucidate the case, or make it clearer to the jury?—Never.

5314. Are you aware that all these circumstances have been stated to the Committee?—Yes; I have read the evidence.

5315. Are

5315. Are you prepared to deny, in an unqualified manner, all the facts with respect to this woman, stated by Mr. Charles Staunton Cahill?—I am.

5316. *Chairman.*] Are you similarly prepared to deny the statement made by Timothy Fitzpatrick as to that woman?—Yes.

5317. Mr. *Jephson.*] Do you recollect any circumstance which occurred in the court connected with this woman, which could have led Mr. Cahill from misunderstanding what was actually taking place, to make the statement he has done?—I never saw Mr. Cahill in the court, to my knowledge, three times, and how he could have come to form any opinion I am wholly at a loss to know. It must have been from hearsay, he must have given his evidence; and that, I think a very bad ground to take away a man's character upon.

5318. *Chairman.*] Was there a rumour through the country that Mrs. Doyle used to act as an agent?—I never heard of it.

5319. Was she joked with about her legal knowledge?—No, except when she was collecting the money for her sons, they might say she was a smart woman, in that kind of way; but as to acting in the court I deny it again and again. I never recognised her as an agent, or knew her to act as such; she was not capable of it; she does not read or write, to my knowledge.

5320. Are you positive she does not read or write?—I think so; I never saw a pen in her hand. I can state that her present son who fills the processes, wrote a very bad hand, and he improved himself considerably; and I know if she knew how to write he would have dictated to her, and she would have done it.

5321. Is that your only reason for thinking she could not read nor write?—I am sure she could not; I should have observed her writing; I got letters with her son's name signed to them.

5322. Her husband and sons used to sell out processes, used they not?—Yes.

5323. On account?—Yes.

5324. And at the next court day after the selling of them, she used to collect the money from the parties who bought them?—Yes; if the son gave them on time, then she used to collect the money for them.

5325. How did she know from whom the money was due, and how much was due?—Her son would tell her.

5326. Where?—I do not know where.

5327. Used they to tell her in the court when she used to be collecting it?—I have often overheard the sons tell her to go and get the price of the processes.

5328. Why could not the son go himself?—He might be in the court.

5329. Whenever she went to collect the price of the processes, did her sons tell her to do so?—I cannot tell. I will explain the way it was done: a man of the name of Rafferty sold the processes; he used to get an order from me, "give the bearer, Doyle, 12 or 18 processes," or whatever the number might be, till next court day. He used to pay in the money the evening of the court day to Rafferty, and Rafferty settled with me.

5330. Then Doyle sold them out himself?—Yes: if I knew any respectable person he might get eight or ten processes, and then they used to be paid for in the course of the day, and she used to collect the money.

5331. How many did Mrs. Doyle used to have to collect payment for on the court day?—I heard her often say she collected in the price of may be 25 processes and 35 or 36 summonses.

5332. All on one court day?—Yes.

5333. How did she know from whom she was to collect these 60 different sums of money; how did she know who the persons were?—I saw her son have a list in his handwriting of the names of the persons who owed the money.

5334. And what did she do with that?—I saw the son tell her to go to such a person for so much money, and before I left town she used to go and get so much for me. I heard her often complain that people left town without paying her anything.

5335. If she was acting as an agent, would it not be natural to suppose she would receive fees?—I think it would.

5336. Did she, to your knowledge, get fees?—Never; nor do I believe she ever did.

5337. If she acted as an agent, she would receive fees?—Yes; I do not think it is very likely she would be working for nothing.

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5338. The witness Fitzpatrick admits that she used not to receive fees; but he states that she used to get drink, and when the decree was obtained, her sons, who were bailiffs, would be sure to get the execution of that decree; was that so?—Not by any certain rule; the plaintiff used to be asked what bailiff he would like to have as a specialty. The plaintiff used to get his choice, and if he wished to have a person, as a bailiff would be inconvenient to him in many instances, he got a specialty of his own.

5339. But if he were a friend of Mrs. Doyle he might have employed her sons out of friendship for her?—He might if he liked.

5340. There was nothing to prevent him?—There was nothing to prevent a man having his choice of a bailiff.

5341. Did she not usually take an interest in the cases of those persons who employed her sons?—I never saw her take any interest in it; anything I saw, was her being busy in claiming the money.

5342. Used they not to call her some nick-name on account of her attending the court?—I do not know; she may have been called some name, but I do not recollect.

5343. Have you never heard what it was?—I do not recollect what it was, if I ever heard it; I might have forgotten.

5344. As far as the drinking goes, you confirm Fitzpatrick's story that she used to get drink?—I often saw her beastly drunk; I often abused her, and said, she was a disgrace to her sex.

5345. When in that state she caused great disturbance in the court?—Yes; I was often obliged to get her son to turn her out of the court.

5346. She was one of the most disorderly persons when drunk in the court?—Very disorderly, and very ill tempered.

5347. A great disturber?—Yes; so much so, that I got her son to turn her out.

5348. Interrupting the proceedings frequently?—Yes, interrupting in every way.

5349. Disturbing the court?—Yes.

5350. Interrupting the witnesses?—Yes; she interrupted everthing; she was a most incorrigible woman when she was drunk.

5351. What did she talk about?—I cannot say; she did not care what she said or did.

5352. She would talk to you?—Yes; or to the lord lieutenant if he was there.

5353. Or to the witnesses?—Yes.

5354. Or to the jury?—Yes; she would pay no respect to anybody when she was drunk; and that would be all at an end if we were allowed one or two policemen in our court.

5355. When Colonel O'Brien was a magistrate he used to have the police?—Yes.

5356. Since he ceased to be a magistrate he has not had the police?—No. I may mention that since the last day, I have heard from very good authority that the lord lieutenant of the county prevented a seneschal from being continued in the commission of the peace.

5357. Solely on account of his being a seneschal?—Yes.

5358. How came he to leave Mr. Martin in the commission of the peace?—I understand that he has since resigned the situation of seneschal, in order to continue in the commission of the peace.

5359. You heard from equally good authority that Mr. Martin had resigned?—Yes.

5360. Did you hear that he got back the office of seneschal again?—No.

5361. Are you aware that he is at this moment seneschal?—No, I am not.

5362. Are you aware that in a return to this Committee he declares, under his own hand, that he is a justice of the peace for the county of Clare, and seneschal of the manor of Killaloe?—No.

5363. Do you think that the lord lieutenant of the county of Clare is aware that Mr. Martin is at this moment the seneschal of Killaloe?—I think he is not.

5364. Do you think, if he were aware of it, he would act in conformity with the rule I understood from you he made, of removing all seneschals from the commission of the peace?—I do.

5365. There

5365. There was at one time, you mentioned in your last evidence, a dispute as to the right of appointing the seneschal of the manor of Inchiquin?—Yes.

5366. Was it not sought to appoint Colonel O'Brien to that office, by the late Sir Edward O'Brien?—Yes.

5367. Then there was a disputed claim to the seneschalship between you and Colonel O'Brien for a time?—Yes; between Sir Edward O'Brien and me.

5368. Colonel O'Brien was the appointee of Sir Edward O'Brien?—Yes.

5369. Was the business of your court suspended for any time, in consequence of that dispute?—No, I persevered; the day I fixed my court I went there. I was obliged to quit the house I held it in, and I went to another house. Colonel O'Brien came the day he fixed to hold his court, and, as he found I was determined to persevere, he paid back the price of the processes to the people; and after that he gave it up. When Colonel O'Brien did not hold the court as was advertised, he paid the people back their money, and my court went on.

5370. Was there any attempt to prevent your holding your court?—No, there was a general appeal for me to continue; the people seemed glad for me to continue in the office.

5371. Was there a great crowd?—Yes; and there was great joy when I persevered and was continued.

5372. Were there any friends of Colonel O'Brien in the crowd?—Very few; he had very few in attendance; I suppose he had not ten friends in the crowd, unless they might have turned back again.

5373. He had not so strong a back as you had?—No.

5374. There was a good deal of excitement upon the subject?—There was a good deal of anxiety.

5375. And you were the popular seneschal?—Indeed I was.

5376. And there were great rejoicings when you continued?—Indeed there was a good deal of good nature towards me.

5377. Were there bonfires and illuminations?—No, there was frost and snow on the ground. Mr. Charles O'Connell, the attorney, of Ennis, went with me that day as my advocate. Colonel O'Brien got a letter from his agent saying he was wrong, that he had no business to persevere, and he gave it up.

LIST OF APPENDIX.

(A.)

A Return of the Number of Manor Courts now existing in the several Counties in *Ireland*, specifying the Places over which the Jurisdiction of each Court extends, and the greatest Distance of any Place within such Jurisdiction from the ordinary Place or Places of holding such Court; also a Return of the Dates of Patents or Charters granted to such Courts; also a Return pointing out the extent of the Pecuniary Jurisdiction, how it is enforced, and what Description of Cases are Tried; also a Return pointing out the Extent of their Power with regard to Imprisonment, the Number of Persons Imprisoned under their Decree, also to state whether the Prison be one of Peculiar Jurisdiction; also a Return, stating whether Power of Distress exists, and how it is Levied; also a Return of the Number of Courts held in each Year, beginning from the 31st day of December 1833, the Number of Courts Adjourned for Non-attendance of Jurors or other Cause, the Number of Cases entered for Trial, the Number of Cases Tried, the Number of Appeals from Decrees, stating how many were Tried, and how many Decrees were Reversed; also a Return of Fees charged, the Sums recovered, and the Amount of Costs during the same period; a Return of such Courts the Seneschal or Stewards of which are Members of any and what Legal Profession, or Justices of the Peace - - - p. 291

(B.)

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APPENDIX.

(A.)

A RETURN of the Number of MANOR COURTS now existing in the several Counties in *Ireland*, specifying the Places over which the Jurisdiction of each Court extends, and the greatest distance of any Place within such Jurisdiction from the ordinary Place or Places of holding such Court; also a Return of the Dates of Patents or Charters granted to such Courts; also a Return pointing out the extent of the Pecuniary Jurisdiction, how it is enforced, and what Description of Cases are Tried; also a Return pointing out the Extent of their Power with regard to Imprisonment, the Number of Persons Imprisoned under their Decree, also to state whether the Prison be one of Peculiar Jurisdiction; also a Return, stating whether Power of Distress exists, and how it is Levied; also a Return of the Number of Courts held in each Year, beginning from the 31st day of December 1833, the Number of Courts Adjourned for Non-attendance of Jurors or other Cause, the Number of Cases entered for Trial, the Number of Cases Tried, the Number of Appeals from Decrees, stating how many were Tried, and how many Decrees were Reversed; also a Return of Fees Charged, the Sums Recovered, and the Amount of Costs during the same Period; a Return of such Courts the Seneschal or Stewards of which are Members of any and what Legal Profession, or Justices of the Peace.

COUNTY OF ANTRIM.

Appendix (A.)

ANTRIM.

Manor of Ballycastle.

MANOR OF BALLYCASTLE.

PLACES over which the Jurisdiction of the Court held for the Manor of Ballycastle extends, and the greatest Distance of any place within such Jurisdiction to the Town of Ballycastle, where the Courts are held?

The manor of Ballycastle consists of the following denominations, as expressed in the patent: the Toagh of Dunseverick and Ballintay, the Toagh of Mymrye, the Toagh of Carey, the Cinnament of Armoy, and the Island of Rathlin; these different denominations comprise what is now known as the Barony of Carey, an extent of about 20 statute miles in length, varying in breadth from three to eight miles, and containing about 75,000 statute acres. The greatest distance from any part of the manor to Ballycastle is about 12 statute miles.

Date and Particulars of Patent or Charter under which authority Courts are held?

8th September 1629, in the fifth year of his Majesty King Charles 1, granting power to hold courts leet, courts baron and courts of record, and to appoint seneschal or steward, marshal and bailiffs, within the manor. The Right Honourable the Earl of Antrim is the present lord of the manor.

Extent of Pecuniary Jurisdiction, how enforced, and Description of Cases tried?

Extent of jurisdiction, 10*l.* British. Cause of action must arise in the manor. Actions triable by civil bill; also by attachment of the goods of defendant, grounded upon the affidavit of plaintiff. All cases, either of record or by civil bill, tried by a jury, composed of respectable inhabitants residing in the manor, and called by summons. Upon the verdict of the jury for plaintiff, a decree or execution issues, directed to the bailiff of the manor, who levies the amount off the goods of the defendant. The description of cases are such as arise from debt or damage sustained by non-performance of bargains in a rural district.

Power with regard to Imprisonment, the Number of Persons imprisoned, and whether the Prison be one of Local or Peculiar Jurisdiction?

The patent gives a power of imprisonment, and a local prison was erected at Ballycastle, but, from late Acts of Parliament, has been done away with; and although the power remains to imprison in the county gaol, I have never exercised it, or sent any person to prison, since my appointment as seneschal, which was 1st January 1836.

Whether Power of Distress exists, and how it is levied?

Power of distress does exist, and is levied by seizure (and sale after four days' notice) of defendant's goods, by manor bailiff, who accounts with plaintiff.

Appendix (A.)

ANTRIM.

Manor of Ballycastle.

Returns of the Number of Courts held in each year, beginning from the 31st day of December 1833, with the Number of Courts adjourned from Non-attendance of Jurors, or other causes?

In the years ending the 31st December 1834-1835.—As I was not appointed seneschal until the 1st January 1836, I have no means of ascertaining the number of courts held in 1834 and 1835.

In the year ending the 31st December 1836, 17 courts held; one adjournment.

The Number of Cases entered for Trial?

In the years ending 31st December 1834-1835.—As I was not appointed seneschal until the 1st January 1836, I have no means of ascertaining the number of cases entered in the years 1834 and 1835.

In the year ending 31st December 1836, 200 civil bills entered; 16 attachments issued.

The Number of Cases tried?

In the years ending 31st December 1834-1835.—As I was not appointed seneschal until the 1st January 1836, I have no means of ascertaining the number of cases tried in 1834 and 1835.

In the year ending 31st December 1836, 146 civil bills tried; no attachments by record.

The Number of Appeals from Decrees, how many were tried, and how many Decrees reversed?

There were 14 appeals in the year 1836 from this manor court; but I have no means of ascertaining whether any or how many have been tried, or whether any of the decrees have been reversed, it being a prevailing practice with poor persons to appeal for the purpose of gaining time until the ensuing assizes, without having intention of trying such appeal, but to settle the case either before or at the assizes; and I presume the number of appeals tried from this court have been very few.

Fees charged, Sums recovered, and the Amount of Costs during the same period?

The fees chargeable upon civil bills are regulated by the Act 25 Geo. 3, and are as follows:

	s.	*d.*
To the seneschal for each process or summons issued	1	–
— for entering the plaint	1	–
— for execution made out and signed	2	6
To the bailiff or marshal for summoning a jury	1	–
In appeals, to the seneschal for taking bond and bail	1	–

And to the bailiff or marshal for levying under execution, 6*d.* for the first, and 3*d.* for every pound after.

The total costs chargeable against defendant upon any decree from the manor court is 5*s.* 6*d.*

For each renewal of a decree the seneschal's charge is 6*d.* and no more.

Fees payable by Attachment and Record:

	£.	*s.*	*d.*
To the seneschal, for drawing and taking affidavit to ground attachment, for issuing ditto, and entering same	–	8	10
Bailiff's fee for executing same	–	1	2
Seneschal, for entering suit	–	2	–
— for issuing distringas, and bailiff summoning a jury	–	6	2
— for drawing execution and entering same	–	2	6
— for signing same	–	3	6
£.	1	4	2

Total Amount of Fees received by the Seneschal of this Manor for the following years:

Not having been appointed seneschal until the 1st January 1836, I have no means of ascertaining the fees received by the former seneschal for the years 1834 and 1835.

For the year 1836, received, 98 *l.* 19*s.* 7*d.*

I have no means of ascertaining the sums recovered by suitors, as it frequently happens that settlements take place between plaintiffs and defendants, as a matter of private arrangement between the parties.

The seneschal of this court is not a member of any legal profession, but is a justice of the peace for the county of Antrim.

I certify the foregoing to be a true and correct return, to the best of my opinion and belief.

28 April 1837. *John M. Casement*, Seneschal.

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MANOR OF BALLYNURE.

Manor of Ballynure.

THE manor court of Ballynure, held in the village of Ballynure every third Saturday, extends over the whole manor, which consists of the parish of Ballynure, containing 3,540 A. 3 R. 11 P. statute measure; court-house not more than two to two and a half Irish miles distant from the extreme part of the manor.

Patent for holding said courts, granted by James 1. of England, bearing date the 2nd March, in the fourth year of his reign: "To hold plea of whatsoever things, debts, covenants, trespass, accounts detinue, and contracts, which in debt or damage exceed not the sum of forty shillings, happening or arising out of said manor."

The jurisdiction of the court is enforced by issuing summons or processes, signed by the seneschal, at the suit of plaintiff, against defendant, to appear in court and answer the same, when all cases arising out of the plea above mentioned are tried.

The charter does not give any power to imprison.

No power of distress is authorized prior to decree being granted against the defendant's goods and chattels, if to be found within said manor, at the special risk of the plaintiff.

7	manor courts were held in 1834.
6	ditto - ditto - 1835.
7	ditto - ditto - 1836.
2	ditto to 18 March ditto 1837.
22	

42 cases entered for trial.

			£.	s.	d.
30	decrees granted, fees, including summons on defendant,	5 s. 6 d. -	8	5	–
7	dismissed - ditto - ditto - -	3 s. - -	1	1	–
5	not tried - ditto - ditto - -	3 s. - -	–	15	–
42		£.	10	1	–

No appeal was ever made from this court.

Amount of sums recovered, 26 *l.* 10 *s.* 4 *d.*

I am not of any profession, nor am I a magistrate.

John Forsyth, Seneschal.

MANOR OF BELFAST.

Manor of Belfast.

1. THAT the jurisdiction of the manor court of Belfast includes the town of Belfast, and its jurisdiction extends to the townlands of Malone, Upper Malone, Lower Dunnurry, the Finaghy, the Falls Upper, the Falls Lower, Legoneil, Skeigoneil, Ballygomartin, Ballymagarry, Ballymurphy, Edenderry, Oldpark, Ballyaghagan, Lowwood, Greencastle, and Drumnadrough, all in the county of Antrim, and to the townland of Ballynafeigh in the county of Down; and that the greatest distance of any of the said places within the jurisdiction from the court-house in the town of Belfast, the ordinary place for holding such court, does not exceed four and a half Irish miles.

2. King James 2, by his letters patent, dated 20th November, in the 19th year of his reign, granted unto Arthur, then late Lord Chichester, Baron of Belfast, and to his heirs, several lands and tenements therein mentioned, and by the said letters patent created them into four several manors, among which was the manor of Belfast; and King Charles 2, by subsequent patent, confirmed the same, 1st February, in the 21st year of his reign. That those letters patent authorized the said Lord Chichester and his heirs to hold within the said manors a law-day or court of record once in every three weeks, before such seneschal and seneschals as should be appointed by him and his heirs, and therein to hold pleas of all actions of debt, detinue, trespass, replevin, withernam, second deliverance and other personal and mixed actions arising within the said manor, the debt and damages not exceeding 20 *l.* sterling; and to summon the defendants, to hear and determine the same, and to grant execution upon the judgment there given against the body or goods of the defendant, and to receive the fines and profits of said court.

3. The pecuniary jurisdiction of the manor is enforced by attachment and process. The description of cases tried are actions of debt, assumpsit, actions on the case, &c., as prescribed by the patent or charter.

4. That on cases being determined, the powers given by the charters are acted upon; namely, to issue execution against the body or goods of the defendant, and in like manner, after a decree upon process, as provided by the Acts of Parliament.

5. The number of persons imprisoned under decrees of the court, from 31st December 1833 till 31st December 1836, were 88.

Appendix (A.)

ANTRIM.

Manor of Belfast.

6. The prison into which the persons from the manor are committed is the county of Antrim gaol, which is authorized and directed by the Act of Parliament 7 George 4, c. 74.

7. The power of distress exists, and the amount of any execution or decree levied by sale by public auction of the goods and chattels seized, in case the party does not pay on laying on the distress.

8. The number of courts held in the year 1834 were - - - - - 14
No adjournments for non-attendance of jurors.
The number adjourned on account of the assistant-barrister of the county of Antrim presiding at the court of quarter sessions, which sits where the manor court is held, and interfering in point of time - - - - 3
The number of courts held in the year 1835 were - - - - - 14
No adjournments for non-attendance of jurors.
The number adjourned on account of the assistant-barrister holding his court - 2
There was an adjournment in this year on account of the election for a Member of Parliament going on - - - - - - - - - - - 1
The number of courts held in the year 1836 were - - - - - 15
No adjournments for non-attendance of jurors.
The number adjourned on account of the assistant-barrister of the county holding his court - - - - - - - - - - - - 2

9. Cases entered for trial under attachment for the year 1834 - - - - 33
Cases tried for same period - - - - - - - - - - - 18
Cases entered for trial under civil bill process - - - - - - 430
Cases tried for same period - - - - - - - - - - 366
Cases entered for trial under attachment for the year 1835 - - - - 25
Cases tried for same period - - - - - - - - - - - 14
Cases entered for trial under civil bill process - - - - - - 383
Cases tried for same period - - - - - - - - - - 339
Cases entered for trial under attachment for 1836 - - - - - 31
Cases tried for same period - - - - - - - - - - 13
Cases entered for trial under civil bill process - - - - - - 450
Cases tried for same period - - - - - - - - - - 392
Number of appeals lodged from decrees or dismisses for the year 1834 - 64
The like for the year 1835 - - - - - - - - - - - 51
The like for the year 1836 - - - - - - - - - - - 54

The number of appeals actually tried cannot be ascertained, as a list of those is made out by the registrar of the judge of assize, which remains with him, nor can it be stated the number of reversals; but the seneschal of this manor is confident that, during the whole three years there was not more than five reversals on merits of any decree or dismiss pronounced in the court. Many are reversed for want of the respective plaintiffs appearing to support their decree, and almost all those appeals were made for the purpose of delay.

The Act of Parliament regulating the right of appeal from cases decided in the manor court, makes it imperative on the seneschal to receive all appeals tendered to him, on the party appealing entering into security to prosecute the same, without any affidavit of the appellant or his attorney that there is any ground for such appeal. The Civil Bill Acts, which require such affidavits by parties or their attornies appealing from the assistant-barrister's decision at quarter sessions, before permitting an appeal, if extended to the manor-courts, would prevent this abuse of the right of appeal.

The fees charged by the seneschal of this manor are the following: preparing affidavit of debt, issuing attachment, and filing same, 19 *s.* 2 *d.*; bail to same, 1 *s.*; finding of jury on trial under attachment 1 *l.* 6 *s.* 10 *d.*; fee on signing process, 1 *s.*; fee on entry and decree, 3 *s.* 6 *d.*; fee on dismiss, 2 *s.* 6 *d.*; fee on appeal, 1 *s.*; fee on an inquiry, 13 *s.* 4 *d.*; fee on judgment in scire facias causes, 10 *s.* 2 *d.*; fee on renewal of decree, 6 *d.*; fee on signing summons for witness, 7 *s.*; fee on receiving writ of error against judgment of court in attachment causes, 6 *s.* 2 *d.*

As to the sums recovered on foot of the executions or decrees issued, it is impossible for the seneschal to state the amounts levied or recovered on foot thereof respectively.

The fees which the seneschal of this manor has received for 1834 amount to £. 264 8 11
The like for the year 1835 - - - - - - - - - - 278 16 4
The like for the year 1836 - - - - - - - - - - 336 2 4

The seneschal of this manor has been in office for 35 years and upwards, and was bred up to the profession of an attorney, in which capacity he acted until about 10 or 12 years ago, when he was succeeded by his son.

8 April 1837. *Thomas L. Stewart*, Seneschal.

MANOR OF BUCKNAW.

JURISDICTION; Names of Townlands?

Manor of Bucknaw.

Aghacully, Aghnadore, Altnanum, Aghafattan, Broughshane, Lower Broughshane, Ballylig, Ballyligpatrick, Little Ballymena, Ballynacard, Ballycloughan, Bucknaw, Carncoa, Camstroan, Clonytrace, Coley, Creavasnoy, Cloughan, Dunaird, Drummuck, Drumlickney, Eaglish,

Eaglish, Elginy, Glenocum, Glenwhiney, Killygore, Kilnacolpagh, Killycham, Kenbilly, Knockboy, Lisnamunican, Lisnacrogher, Lisnahilt, Lisbreen, Lisnalestra, Longmore, Pollee, Rathkenny, Rosheny, Rokeel, Rocavan, Roughan, Shilnavogy, Tannybrack, Tecloy, Tullymore.

The greatest distance of any place within the jurisdiction, from the court-house, is six miles.

Charter?

Granted in 36 Charles 2, to Rose, Lady Marchioness of Antrim, the ancestor of the present Earl O'Neill. Pecuniary jurisdiction, 20 *l.* sterling.

Attachments against the goods are issued in cases where the plaintiff makes affidavit of debt, and that he believes the defendant's goods would not be found within the manor, provided a summons or process was first issued, and thereby plaintiff would be in danger of losing the amount of his debt. If the parties do not settle, or that bail is not given, the goods are held in custody until the issue of a jury, which is generally in a summary way by process, no case having been tried by any formal pleadings since the 31st December 1833. The Manor-court Acts regulating the proceedings are 25 Geo. 3, c. 44; 27 Geo. 3, c. 22; 7 Geo. 4, c. 41, and 7 & 8 Geo. 4, c. 59. Decrees are issued against the defendant's goods only for the sums found by the jury, and 5*s.* 6*d.* costs. The decree, if not satisfied, is renewed on the next court day, on oath, in open court, to that effect; the original decree being kept and filed with the seneschal's clerk.

Imprisonment?

No execution has been issued against the body, nor any person imprisoned for debt, within the manor, for upwards of 20 years. There is no prison within the manor; there is a place for holding goods seized by attachment.

Courts?

Courts leet are held in April and October in every year, when applotters of the public cesses are appointed, and appraisers of damages done by trespass of cattle within the manor; also presenting bailiff's salary, and for any repairs the court-house may require.

Courts for recovery of debts are held 12 times in each year, in the town of Broughshane; each court held on a Tuesday, not less than three weeks from the preceding one. No court has been adjourned for non-attendance of jurors; one from the illness of the seneschal.

Number of cases entered for trial in the year	1834	63
—	1835	62
—	1836	67
—	1837	42
Number of cases tried in the year	1834	51
—	1835	51
—	1836	49
—	1837	22

Total amount of verdicts from 31st December 1833, 309 *l.* 4*s.*

Appeals?

Appeals in most cases are lodged to stop the execution of the decree, and obtain time for defendant to raise the money; they are seldom tried; cannot state how many were tried; not aware of any decree having been reversed.

Fees?

Attachment costs, 7*s.* 1*d.*, viz.:

	£.	*s.*	*d.*
Preparing affidavit of debt and attachment	–	3	7
Seneschal, for swearing and signing	–	2	6
Bailiff for executing	–	1	–
£.	–	7	1

Regulated by ancient usage.

	£.	*s.*	*d.*
Summons or process	–	1	–
Entering cause	–	1	–
Seneschal, on decree	–	2	6
Bailiff's fee for summoning jury	–	1	–
£.	–	5	6

	£.	*s.*	*d.*
Bailiff's fee, service of process	–	–	6
Renewing decree	–	–	6
Appeal	–	1	–

Seneschal?

The seneschal is not a member of any legal profession; is a justice of the peace of the county of Antrim.

11 April 1837. *John Higginson*, Seneschal.

Appendix (A.)

ANTRIM.

Manor of Cashel.

MANOR OF CASHEL.

JURISDICTION; Names of Townlands?

Aghnahoy, Bracknamuckley, Ballylummin, Ballykennedy, Cammegrim, Corbilly, Casheltown, Cardonaghy, Dreene, Glenhugh, Kilcurry, Killygam, Lisiodden, Lisnafillan, Moneydollogue, Moyessitt and Tullygowan, all in the parish of Ahoyhill.

The greatest distance of any place within the jurisdiction from the court-house of said manor, in the town of Portglenone, is five miles.

Charter?

Charter granted in 36 Charles 2, to Rose, Lady Marchioness of Antrim, the ancestor of the present Earl O'Neill.

Pecuniary jurisdiction, 20*l.* sterling.

Attachments against the goods are issued in cases where the plaintiff makes affidavit of debt, and that he believes the defendant's goods would not be found within the manor, provided a summons or process was first issued, and thereby plaintiff would be in danger of losing his debt. If the parties do not settle, or that bail is not given, the goods are held in custody until the issue of a jury, which is generally in a summary way by process; only one case, for the recovery of the sum of 13*l.* 0*s.* 10*d.*, for goods sold, having been tried by special pleadings, declaration, &c., since 31st December 1833; costs 1*l.* 14*s.* 11*d.*

The Manor-court Acts regulating the proceedings are 25 Geo. 3, c. 44; 27 Geo. 3, c. 22; 7 Geo. 4, c. 41; and 7 & 8 Geo. 4, c. 59.

Decrees are issued against the defendant's goods only for the sums found by the jury, and 5*s.* 6*d.* costs. The decree, if not satisfied, or the amount levied, is renewed on the next court day, in open court, on oath to that effect. The original decree being kept and filed by the seneschal's clerk.

Imprisonment?

No execution has been issued against the body, nor any person imprisoned for debt, within this manor, for upwards of 20 years. There is no prison within the manor.

Courts?

Courts leet are held in April and October in every year, when applotters of the public cesses, and appraisers of damages done by trespass of cattle within the manor, are appointed; also for presenting bailiff's salary, and for any repairs the court-house may require.

Courts for recovery of debts are held twelve times in each year, in the town of Portglenone; each court held on a Wednesday, not less than three weeks from the preceding one. No court has been adjourned for non-attendance of jurors; one from the illness of the seneschal.

Number of cases entered for trial in the year	1834	101
—	1835	79
—	1836	94
—	1837	50
Number of cases tried in the year	1834	76
—	1835	63
—	1836	70
—	1837	42

Total amount of verdicts from 31st December 1833, 399*l.* 0*s.* 3*d.*

Appeals?

Appeals, in most cases, are lodged to stop the execution of the decree, and obtain time for defendant to raise the money; they are seldom tried; cannot state how many were tried; not aware of any decree having been reversed.

Fees?

Attachment Costs, 7*s.* 1*d.*, viz.:

	£.	s.	d.
Preparing affidavit and attachment	–	3	7
Seneschal, for swearing and signing	–	2	6
Bailiff, for executing	–	1	–
£.	–	7	1

	£.	s.	d.
Summons or process	–	1	–
Entering cause	–	1	–
Seneschal, on decree	–	2	6
Bailiff summoning jury	–	1	–
Costs of decree £.	–	5	6
Bailiff serving process	–	–	6
Seneschal renewing decree	–	–	6
Ditto on appeal	–	1	–

Regulated by ancient usage.

Seneschal?

The seneschal is not a member of any legal profession; is a justice of the peace for the county of Antrim.

11 April 1837. *John Higginson*, Seneschal.

MANOR OF DUNLUCE.

PLACES over which the Jurisdiction of the Manor of Dunluce extends, and the greatest Distance of any place within such Jurisdiction to Ballymoney, the place where the Courts are held?

The manor of Dunluce contains the following denominations, as expressed in the patent or charter: the Toagh between the Bann and the Bays, the Toagh of Ballymoney, the Toagh of Loughgill, and the Toagh of Ballinlough, now comprising the barony of Dunluce, an extent of about 15 statute miles in length, and varying in breadth from seven to 13 miles, containing about 83,500 statute acres. The greatest distance of any part of the manor from Ballymoney, where the courts are held, is about 10 statute miles.

Date of Patent or Charter, by authority of which Courts are held?

The patent or charter, authorizing courts to be held for the manor of Dunluce, is dated 8th September 1629, in the fifth year of the reign of Charles 1. The Right Honourable the Earl of Antrim lord of the manor.

Extent of Pecuniary Jurisdiction, how enforced, and Description of Cases tried?

Extent of jurisdiction 10 *l.* British. Cause of action must arise within the manor. Cases triable by civil bill, also by attachment of the goods of the defendant, founded upon affidavit of plaintiff. All cases of record or civil bill tried by a jury, composed of respectable persons residing within the manor, called together by summons. Upon the jury finding for plaintiff, a decree or execution issues, directed to the bailiff of the manor, who levies amount off the goods of defendant. The description of actions tried are for debt or damage arising out of the non-performance of contracts usual in rural districts.

Powers of Imprisonment, Number of Persons imprisoned under Decrees, and whether Prison be one of Local or Peculiar Jurisdiction?

The patent or charter gives a power of imprisonment, for which purpose there was a gaol within the manor; but late Acts of Parliament have done away with local or manor prisons, and substituted the county gaol. I have not in any instance, since my appointment of seneschal, which was the 1st of January 1836, committed any person to prison.

Whether Power of Distress exists, and how levied?

Power of distress does exist, and decrees or executions are levied by seizure, and after four days' notice, sale of defendant's goods by manor bailiff, who accounts with plaintiff.

A Return of the Number of Courts in each Year, commencing from 31st December 1833; also the Number of Courts adjourned for Non-attendance of Jurors or other causes?

In the years 1834-1835.—As I was not appointed seneschal until the 1st January 1836, I have no means of ascertaining the number of courts held in 1834 and 1835.
In the year 1836, 17 courts held; one adjourned.

Number of Cases entered for Trial?

In the years 1834-1835.—As I was not appointed seneschal until the 1st January 1836, I have no means of ascertaining the number of cases entered in the years 1834 and 1835.
In the year 1836, 147 civil bills entered; 15 attachments issued.

Number of Cases tried?

In the years 1834-1835.—As I was not appointed seneschal until the 1st January 1836; I have no means of ascertaining the number of cases tried in the years 1834 and 1835.
In the year 1836, 125 civil bills; two attachments by record.

Number of Appeals from Decrees, how many tried, and how many reversed?

There were nine appeals in the year 1836 from this manor court, but I have no means of ascertaining whether any or how many have been tried, or whether any of the decrees have been reversed, it being a prevailing practice for poor persons to appeal, for the purpose of gaining time until the ensuing assizes, without having any intention of trying such appeal, but to settle the case either before or at the assizes; and I presume the number of appeals tried from this court have been very few.

Fees charged, Sums recovered, and the Amount of Costs during the same period?

The fees chargeable upon civil bills are regulated by the Act 25 Geo. 3, and are as follows:

	£.	s.	d.
To the seneschal, for each process or summons issued	–	1	–
— for entering the plaint	–	1	–
— for execution on decree made out and signed	–	2	6
To the bailiff or marshal, for summoning a jury	–	1	–
In appeals, to the seneschal for taking bond and bail	–	1	–

Appendix (A.)

ANTRIM.

And to the bailiff or marshal for levying under execution, 6*d.* for the first, and 3*d.* for every pound after.

The total costs chargeable against defendant upon any decree from the manor court is 5*s.* 6*d.*

Manor of Dunluce.

For each renewal of a decree the seneschal's charge is 6 *d.* and no more.

Fees payable by Attachment and Record:

	£.	s.	d.
To the seneschal, for drawing and taking affidavit to ground attachment, for issuing and entering same	–	8	10
Bailiff's fee for executing same	–	1	2
Seneschal, for entering suit	–	2	–
— for issuing distringas, and bailiff summoning a jury	–	6	2
— for drawing execution and entering same	–	2	6
— for signing same	–	3	6
£.	1	4	2

Total Amount of Fees received by the Seneschal of this Manor for the following years:

Not having been appointed seneschal until the 1st January 1836, I have no means of ascertaining the fees received by the former seneschal for the years 1834 and 1835.

For the year 1836, received 89 *l.* 15 *s.* 11 *d.*

I have no means of ascertaining the sums recovered by suitors, as it frequently happens that settlements take place between plaintiff and defendant, as a matter of private arrangement between the parties.

The seneschal of this manor is not a member of any legal profession, but is a justice of the peace for the county of Antrim.

I certify the foregoing to be a true and correct return, to the best of my opinion and belief.

28 April 1837. *John M. Casement*, Seneschal.

MANOR OF EDENDUFFCARRICK.

JURISDICTION; Names of Townlands?

Manor of Edenduffcarrick.

Aghaboy, Artrasnahan, Ballelly, Ballymontena, Ballyandread, Ballybollan, Ballygrooby, Ballyministra, Ballymuckilroy, Lower Ballytresna, Upper Ballytresna, Barnish, Camgranny, Clonboy, Clare, Cloughoque, Cooladoey, Craigmore, Crea, Creavory, Down, Kilbegs, Drumkeeran, Druminaway, Drumrammer, Drumsough, Dunmore, Dunsilly, Edenduffcarrick, Edenvale, Eskelane, Feevoque, Foarlough, Gallanagh, Gortcarn, Groggan, Kilbegs, Kilgavanagh, Kilnock, Leitrim, Lenogh, Lisnegreggan, Lisnevenagh, Lurgan East, Lurgan West, Maghereagh, Magheralane, Magherabegg, Muckleramer, Mountshalgus, Ochelly, Oughtercloney, Prockless, Sharvoques, Straid, Terrygowan, Tavanaghmore East, Tavanaghmore West, Tobernaveen, Tullycrenagh, Umery.

The greatest distance of any place within the jurisdiction from the court-house, is six miles.

Charter?

Granted in 36 Charles 2, to Rose, Lady Marchioness of Antrim, the ancestor of the present Earl O'Neill. Pecuniary jurisdiction, 20 *l.* sterling.

Attachments against the goods are issued in cases where the plaintiff makes affidavit of debt, and that he believes the defendant's goods would not be found within the manor, provided a summons or process was first issued, and thereby plaintiff would be in danger of losing the amount of his debt. If the parties do not settle, or that bail is not given, the goods are held in custody until the issue of a jury, which is generally in a summary way by process, no case having been tried by any formal pleadings since 31st December 1833. The Manor-court Acts regulating the proceedings are 25 Geo. 3, c. 44; 27 Geo. 3, c. 22; 7 Geo. 4, c. 41, and 7 & 8 Geo. 4, c. 59.

Decrees are issued against the defendant's goods only for the sums found by the jury, and 5*s.* 6*d.* costs. The decree, if not satisfied, is renewed on the next court day, on oath, in open court, to that effect; the original decree being kept and filed with the seneschal's clerk.

Imprisonment?

No execution has been issued against the body, nor any person imprisoned for debt, within the manor, for upwards of 20 years; there is no prison within the manor; there is a place for holding goods seized by attachment.

Courts?

Courts leet are held in April and October in every year, when applotters of the public cesses are appointed, and appraisers of damages done by trespass of cattle within the manor; also presenting bailiff's salary, and for any repairs the court-house may require.

Courts

Courts for recovery of debts are held 12 times in each year, in the town of Randalstown; each court held on a Friday, not less than three weeks from the preceding one. No court has been adjourned for non-attendance of jurors; one from the illness of the seneschal.

Number of cases entered for trial in the year	1834	79
—	1835	75
—	1836	94
—	1837	56
Number of cases tried in the year	1834	52
—	1835	66
—	1836	62
—	1837	40

Total amount of verdicts from 31st December 1833, 418 *l.* 17 *s.* 10 *d.*

Appeals?

Appeals, in most cases, are lodged to stop the execution of the decree, and obtain time for defendant to raise the money; they are seldom tried; cannot state how many were tried; not aware of any decree having been reversed.

Fees?

Attachment Costs, viz.:

	£.	s.	d.
Preparing affidavit of debt and attachment	–	3	7
Seneschal, for swearing and signing	–	2	6
Bailiff, for executing	–	1	0
£.	–	7	1

Regulated by ancient usage.

	£.	s.	d.
Summons or process	–	1	–
Entering cause	–	1	–
Seneschal, on decree	–	2	6
Bailiff's fee for summoning jury	–	1	–
£.	–	5	6
Bailiff's service of process		–	6
Renewing decree		–	6
Appeal		1	–

Seneschal?

The seneschal is not a member of any legal profession; is a justice of the peace for the county of Antrim.

11 April 1837. *John Higginson*, Seneschal.

MANOR OF GLENARM.

Manor of Glenarm.

PLACES where Courts held, Extent of Manor, with greatest Distance, &c. from the ordinary places of holding Courts?

Courts held at Glenarm and Larne once in each three weeks; held in the order and at the times stated in the printed schedule hereunto annexed. The manor of Glenarm, with a trifling exception, extends over the barony, a distance of about 20 statute miles in length, extending along the sea coast, and varying in breadth from three to six miles, comprising an area of about 89,000 statute acres. The town of Glenarm is nearly central within the manor. Larne, the principal town of the manor, stands at the extreme end; consequently the greatest distance of the extreme point from Larne would be 20 miles, and from Glenarm about 10 or 12. There are court-houses for transacting the business of the courts, both at Glenarm and Larne.

Courts leet are also held at Glenarm at Easter and Michaelmas in each year, when all persons bound to do suit and service are summoned to attend. At the courts leet, applotters of the county rates, as also constables of the leet and other parish and local officers, are usually nominated.

Date and Particulars of Patent or Charter, under authority of which Courts held?

There are numerous patents or charters from the Crown to the different Earls of Antrim, some of a very early date, and all granting power to hold courts leet and courts baron, &c., and to appoint seneschals or stewards, marshals and bailiffs, within the several manors created by said patents. The last patent (and which is the one the extract of which is enrolled with the clerk of the peace for the county) has date the 8th September 1629, 5 Charles 1. Edmund M'Donnell, Esq., of Glenarm Castle, the present lord of the manor.

Extent of Pecuniary Jurisdiction how enforced, and Description of Actions tried?

Jurisdiction extends to 10 *l.* British. Cause of action must arise within the manor. Action triable by civil bill; also by attachment of the goods, grounded in the first place upon affidavit. All cases, whether by record or civil bill, triable by a jury of the manor; the jury usually selected from the farmers or respectable freeholders of the manor by summons. Upon finding and verdict of the jury, but in no case otherwise, a decree or execution issues, directed to the manor bailiff, who levies the amount off the goods of the defendant. The description of actions tried are usually such as might be supposed to arise in rural districts.

Appendix (A.)

ANTRIM.

Manor of Glenarm.

Power with regard to Imprisonment, Number of Persons imprisoned under Decrees, with Particulars of Prison, &c.?

A power is given under the patent or charter to issue executions or decrees against the persons of defendants. Formerly this power was exercised and committals made to local prisons within the manor: these prisons were abolished, however, by the Act 7 Geo. 4, c. 74, which enacts that committals from manor-court jurisdictions, under decrees or executions, shall be made to the county gaols, and that the officers of local jurisdictions shall be obliged to maintain such debtors while in the county gaol, and shall be accountable to the grand jury of the county for the expense of supporting such debtors. As the expense of maintaining, while in gaol, debtors committed from local jurisdictions by seneschals, would seem under this Act to be thrown personally upon the seneschals themselves, I have, since the passing of this Act, but rarely signed any decree against the body.

Power of Distress, and how levied?

Decrees levied by seizure and sale of defendant's goods by manor bailiff, who accounts with the plaintiff.

In the year 1834, 17 courts were held.
— 1835, 18 - ditto - two adjournments this year.
— 1836, 17 - ditto - one ditto.

Return of the Number of Courts held in each of the years 1834, 1835 and 1836, commencing from 31st December 1833?

No court adjourned for non-attendance of jurors, although a difficulty has frequently been found in procuring the necessary attendance of the jurors in this manor. In the case of the adjournments stated to have taken place in 1835 and 1836, they arose in both cases from the inability of the seneschal to attend.

The Number of Cases entered for trial?

In the year 1834, 121 civil bills entered; 9 attachments.
— 1835, 160 - ditto - 13 ditto.
— 1836, 160 - ditto - 22 ditto.

The Number of Cases tried?

In the year 1834, 107 civil bills tried; 1 attachment by record.
— 1835, 115 - ditto - 1 ditto.
— 1836, 133 - ditto - 6 ditto.

The Number of Appeals from Decrees, how many tried, and how many reversed?

The information here sought I cannot find any means of getting at, with that accuracy which I could wish. Parties frequently appeal and enter into bond, avowing their object to be not a rehearing of the case, but in order to gain time to discharge a debt, and which they contrive to do just before, or frequently at the assizes, after having put the respondent and his witnesses to the expense of attending in order to affirm their decree. The facility afforded, and the way in which it is turned to fictitious appeals of this description, I look upon as almost the worst part of the manor-court system. To fair and legitimate causes of appeal, where the appellant sought a rehearing of his case before a superior court, every facility should be given; but to the description of appeals to which I have here alluded, and which will be found by far the most numerous class, some check should be had; this might easily, I conceive, be accomplished without interfering generally with the right of appeal.

The number of appeals tried from this manor court could not, I conceive, average more than perhaps one or two at each assizes, if so many; I have no record of the number actually entered and tried, but a reference to the judge's register in each county would at once ascertain this fact. The plaintiff in the original decree has himself custody of the decree and bail-bond when appealed from, so that when settled, or the debt satisfied, no more is heard of it; and the settlement not unfrequently takes place between the parties themselves when assembled at the assizes to try their appeal.

Fees charged, Sums recovered, and the Amount of Costs during the same period?

The fees chargeable upon civil bills are regulated by the Act 25 Geo. 3, c. 44, and are as follows:—

	£.	s.	d.
To the seneschal, for each process or summons issued, and for signing the same	–	1	–
— for entering the plaint	–	2	6
— for bond and bail on appeal	–	1	–
The bailiff or marshal, for summoning jury	–	1	–

And 6*d.* for the first, and 3*d.* for every pound after which he (the bailiff) shall levy, under all executions.

The total costs chargeable against defendants upon each decree of the manor court is 5*s.* 6*d.* and no more.

For each renewal of a decree the seneschal is entitled to a fee of 6*d.* only.

Fees

Fees payable under Proceedings by Attachment, &c.:

	£.	s.	d.
Seneschal, for drawing and taking affidavit, for issuing attachment and entering same	–	8	–
For entering suit	–	2	–
For taking bail, where bail put in by defendant	–	2	–
For filing declaration	–	2	–
Issuing precept, and bailiff for summoning jury	–	6	–
Drawing execution and entering same	–	2	6
Seneschal, for signing ditto	–	2	–
£.	1	4	6

I have no means of ascertaining the sums actually recovered of costs, as when settlements take place between plaintiffs and defendants, which is not unfrequently the case, the costs become matter of private arrangement between the parties themselves.

Total Return of Fees actually received by the Seneschal of this Manor for the years 1834, 1835 and 1836:

	£.	s.	d.
Total fees received for the year 1834	55	18	8
— 1835	68	12	3
— 1836	70	9	11

Note.—The business of these courts greatly on the increase.

Whether the Seneschal or Steward be a Member of any and what Legal Profession, or a Justice of the Peace?

The seneschal of this manor not a member of any legal profession; is a justice of the peace for the county.

I certify the foregoing to be a correct return, to the best of my opinion and belief.

10 April 1837. *Thomas Davison*, Seneschal.

Glenarm and Larne Manor Courts, for the year 1837.

Manor of Glenarm, to wit. } NOTICE is hereby given, that courts throughout the year, for the recovery of debts, &c., will be regularly held at the undernamed places, in and for the manor of Glenarm, on the days below set forth; the business on each court day to commence precisely at 11 o'clock:

At Glenarm, on Wednesday, 11 Jan. 1837.
Larne, on Wednesday, 1 Feb. 1837.
Glenarm, on Wednesday, 22 Feb. 1837.
Glenarm, on Wednesday, 15 Mar. 1837.
Larne, on Wednesday, 5 April 1837.
Glenarm, on Wednesday, 26 April 1837.
Glenarm, on Wednesday, 17 May 1837.
Larne, on Wednesday, 7 June 1837.
Glenarm, on Wednesday, 28 June 1837.
At Glenarm, on Wednesday, 19 July 1837.
Larne, on Wednesday, 9 Aug. 1837.
Glenarm, on Wednesday, 30 Aug. 1837.
Glenarm, on Wednesday, 20 Sept. 1837.
Larne, on Wednesday, 11 Oct. 1837.
Glenarm, on Wednesday, 1 Nov. 1837.
Glenarm, on Wednesday, 22 Nov. 1837.
Larne, on Wednesday, 13 Dec. 1837.

1 January 1837. *Thomas Davison*, Seneschal.

MANOR OF KARTE, otherwise CREBILLY.

Manor of Karte, otherwise Crebilly.

JURISDICTION; with the Names of the Townlands?

Ballycowan, Ballycraigy, Ballykeel, Ballylesson, Ballymarlow, Ballee, Cagherte, Crumkiln, Crebilly, Cross, Deerfin, Dunnyvadden, Gilgad, Limenary, Slatt, Tullaghgarley, Tannybrack, Tully—18 townlands in the whole; situate in the parishes of Ballyclug, and Connor, lower half barony of Antrim, and county of Antrim.

Courts are held on the last Friday of every month at the court-house, situate in the townland of Crebilly, near the centre of the manor, and not more than three miles from the most distant point.

Charter?

Of this manor, and of the lands in fee simple, by King James 1, dated 4 June 1607, to Charles (commonly called Cahill, otherwise Coll-more) O'Hara, ancestor to the present proprietor, Henry Hutchinson Hamilton O'Hara, a minor and ward of the Court of Chancery.

Manor Courts?

Courts leet and courts baron have been held in this manor, time immemorial, not only since the granting of this charter, but by tradition, long before; the O'Hara family being in possession of this manor since King Henry 2. first invaded Ireland.

Appendix (A.)

ANTRIM.

Manor of Karte, otherwise Crebilly.

Leet Court?

Held twice in every year, in the months of April and October, when applotters are appointed for the subdividing of the public cesses; also valuators are appointed for estimating damages sustained by trespass within the manor; for presenting the seneschal's salary, being 5 *l.* a year only, by ancient custom; the bailiff's salary for summoning juries, varying from 2 *l.* to 2 *l.* 10 *s.*, as the jury may appoint at their discretion; the pound-keeper's salary, not exceeding 2 *l.* a year, together with small sums occasionally for keeping the manor pound in repair: these, with the appointment of a collector of the manor cesses, forms the whole duty of this court.

Courts Baron?

Processes are issued for recovery of debts in a summary way, not exceeding 40 *s.*, the proceedings regulated under the Manor-court Acts (which may be referred to), and decrees pronounced against defendant's goods only, which are sold afterwards where the debts are not discharged.

Power to imprison for debts has never been exercised in this manor by any seneschal, nor has there ever been any prison erected.

Fees?

The fees charged are those authorized by the Manor-court Acts, thus:

	s.	*d.*
Seneschal signing civil bill	1	–
— entering same	1	–
— on decree	2	6
Bailiff summoning jury	1	0
Total costs on decree	5	6
Seneschal signing renewal	–	6
Clerk filling process (if required)	–	6
Bailiff serving process (if required)	–	6

Appeals?

Appeals are occasionally lodged to obtain time, and afterwards abandoned; as, since the 31st December 1833, none have been prosecuted at any assizes, save one, which upon the trial was affirmed; and the whole number of decrees pronounced during that period amounted to 120.

Jury?

The seneschal uniformly issues summons to enforce the attendance of jurors, and no court has ever been adjourned for their non-attendance; the regulation of the court, and the selection of the jury, being so satisfactory, that an emulation has been raised amongst the inhabitants to such a degree, that they consider it an indignity to be overlooked in their turn.

A general grand list of jurors has been made out with great care of all the respectable landholders in the manor, and for each court, for the trial of civil bills, 18 names are selected in their order, one from each townland, by which interested persons are kept off the panel; nor can the same person be required to attend oftener than once in six months, and the periods often more distant.

Trials?

There have not been more than eight trials on any court day, and on several days no trials at all; therefore the average number of trials may be reckoned at three or four each day.

This return embraces the period from the 31st day of December 1833 to the present time, as required by the order above mentioned.

Seneschal?

The present seneschal has been appointed by an order of the Court of Chancery "In the matter of the Minor;" but, before his appointment, he had been a solicitor in Chancery, but retired from the profession altogether, having been appointed also receiver of the minor's estate, producing a rent of 3,000 *l.* a year and upwards.

Ballymura, 4 April 1837. *Michael Harrison*, Seneschal.

MANOR OF KILLULTAGH AND DERRIVOLGIE.

Manor of Killultagh and Derrivolgie.

KILLULTAGH; Extent of Jurisdiction?

The town and borough of Lisburn, and the towns of Crumlin and Glenavy; the whole of the upper half barony of Massereene, and part of the barony of Castlereagh, which embraces the parishes of Lisburn (alias Blaris), Magharagall, Ballinderry, Magheramesk, Aghalee, Aghagallon, Glenavy, Camlin, Tullyrusk, and the greater part of the parish of Derriaghy. The extreme distance from Aghagallon to Lisburn, where the court is held, is about 10 Irish miles. Derrivolgie is a small manor, and the court is held in Lambeg, about one mile from the town of Lisburn. The court-houses in both manors were erected at the expense of the Marquis of Hertford, for the accommodation of his tenantry.

Patents?

Dated 30th June 1609 and 3d January 1627, 7 James 1, to Sir Fulk Conway, knt., and 3 Charles 1, to Edward Lord Conway and Killultagh.

Pecuniary Jurisdiction?

Twenty pounds British.

How

How enforced?

By attachment against the goods and chattels, and by civil bill process, on which a decree issues upon verdict of jury, with 5*s.* 6*d.* costs.

Description of Cases tried?

Actions of debt, assumpsit, covenants, trespasses, accounts stated, detinue, trover, &c.

Imprisonment?

The charter empowers the seneschal to attach either body or goods; but as there are not legal prisons in either of these manors, the orders of the court are issued against the latter only.

Distress?

Power of distress only exists when there is a decree recorded by the verdict of a jury, which is executed in the usual form of law as prescribed by the Civil Bill Acts.

Number of Courts, &c.; Entries, &c.?

In the year 1834 there were 14 courts held in Lisburn for the manor of Killultagh, in which 272 cases were entered for trial. In 1835 there were 16 courts held, and 349 cases entered. In 1836 there were 16 courts held, and 526 cases entered; and up to the 29th March 1837 there were six courts held, and 227 cases entered for trial; making in the whole, from 31st December 1833 to 29th March 1837, a total of 1,374 cases entered for trial in the manor court of Killultagh. The gross number of processes issued during said period was 5,325.

In 1834 there were eight courts held in Lambeg for the manor of Derrivolgie, in which 21 entries were recorded. In 1835 there were seven courts held, and 35 cases entered. In 1836 there were five courts held, and 15 cases entered; and to 30th January 1837 there was one court held, and eight cases entered; making the total in this court 79.

Adjournments?

There were only five adjournments in the manor court of Killultagh for this period, three of which were occasioned in consequence of the resignation of the late seneschal, and it being some time before the present one received his appointment; the other two adjournments were occasioned by the unavoidable absence of the seneschal.

Number of Cases tried?

In Killultagh, during this period, 1,104 cases were tried and verdicts recorded; and in Derrivolgie 67 cases were tried and verdicts recorded.

Appeals?

There were 18 appeals lodged from Killultagh, 11 of which were tried, and only one reversed. From Derrivolgie eight appeals were lodged, seven tried, and two reversed without costs.

Fees charged?

Total amount for process, entry and decree, 5*s.* 6*d.*

Fees on attachment and execution?

	£.	s.	d.		£.	s.	d.
Signing attachment	–	8	6	Attending hearing	–	5	–
Draft ditto and affidavit	–	1	6	Summons for witnesses	–	1	2
Marshal's fee	–	2	6	Jury and marshal	–	2	0
Returning attachment	–	2	6	Draft execution, 3*s.* 6*d.*, seneschal, 7*s.*	–	10	6
Seneschal, on return	–	2	6	Bailiff, on same	–	2	6
Declaration and draft, same	–	9	10				
Attending first rule to plead	–	2	6				
Attending plea filed	–	2	6	TOTAL £.	2	16	–
Notice of trial, copy and service	–	2	6				

Debts recovered?

	£.	s.	d.
By attachment and execution	2,115	16	10
By civil bill	1,918	8	–
TOTAL £.	4,034	4	10

Amount of costs?

	£.	s.	d.
Costs of attachments, &c.	152	9	4
Ditto of civil bills	193	4	–
TOTAL £.	345	13	4

N. B. There is 2*s.* extra charged on each civil bill when the decree issues, but in general the debt is paid or settled when the verdict is recorded, in which case the seneschal never charges his fee.

Seneschal?

The charter gives the seneschal the power of holding a "Court of Piepoudre," and of adjusting any differences which may arise between buyer and seller in any of the fairs or markets held within the manors, according to ancient custom. He is no magistrate or member of any legal profession.

Lisburn, 8 April 1837. *W. Gregg*, Seneschal.

MANOR OF MOYLINNY—Court held at Antrim.

1. JURISDICTION.	2. Greatest Distance of any place within such Jurisdiction from the ordinary place or places of holding such Court.	3. Dates of Patents or Charters.	4. Extent of Pecuniary Jurisdiction, and how enforced.	5. Description of Cases tried.	6. Extent of Powers with regard to Imprisonment.	7. Number of Persons Imprisoned under Decrees.	8. Prison, of what Nature.	9. Power of Distress, what, and how Levied.	10. Courts held in each year.
The manor courts of Moylinny have jurisdiction over the following places as described in the charter: Ballynehowlane, Ballyedward, Ballyhone, Ballyneligg, Ballymullaghfenens, Ballycreegeneconboy, Ballynenowlane, Ballymubremossagh, Ballyrollo, Ballyrickard, Ballylissitladdy, Ballycuggely, Ballyfollard, and Ballyglin, lying and being in the territory or toagh of Magherymorne; and also Magherymorne, Ballyistin, Ballynavrainy, Ballynow, Ballyedowagh, Ballyardmabregie alias Ballyardmabrigie, Ballydowemevie, Ballyloghanmore, Ballydonedrow, Ballycorra, Ballynevoly alias Hilmaboly, Ballynabantra, Ballytresnait, Ballinasheale, Ballymoyden, Ballynecabanagh, Ballyclogher, Ballynesavage, Ballynemeragh, Turbergeyll, Ballynewoodeoge, Ballygorne, Ballycleward, Ballymoy, Ballyhowell, Ballykilbride, Ballyrashee, Ballygoghery, Ballyslewcromagh, Rathmore, Ballygallantrym, Ballycreigiderry, Ballycommagh, Ballynemenis, Ballynecreggie alias Ballynecreigh, Ballyberan, Ballyranell, Ballyrathbegg, Ballymullen, Ballycroskenan, Ballytollynardelly, Ballyaltinwinsy, Ballyantrim, Ballykeile, Ballynomullin, Ballynelossonbegg, Ballycuggery, Ballyardmoydoigmore, Ballyardmoydoigbegg, and also the entire territory or toagh of Magherymorne.	15 miles -	James I, 20th November, in the 19th year of his reign; and also confirmed by Charles 2, in the 21st year of his reign.	The pecuniary jurisdiction of the manor amounts to 20 *l.* of the present currency, and is enforced by attachment or process.	Actions of debt, detinue, accompt, contract, trespass, replevin, withernam, second deliverance, and in all other personal and mixed actions whatsoever, as described in the charter.	By the charter a power is given to attach or arrest the body or goods of the defendant. The power of arresting the body under attachment or mesne process, has never been exercised by the present seneschal. On cases being determined, the charter gives a power of issuing execution against the body or goods of the defendant; and in like manner after decree upon process, as prescribed by Act of Parliament.	From the 16th April 1835 till the 16th day of April 1837, 24 persons were imprisoned under decrees from the said manor courts of Moylinny and Ballynlinny.	County of Antrim gaol, as directed by a late Act of Parliament.	The power of distress exists by sale by auction of the goods of the defendant, after due notice under the decree, or by attachment, or mesne process on affidavit.	17

11. Courts adjourned for Non-attendance of Jurors or otherwise.	12. CASES ENTERED FOR TRIAL.	13. CASES TRIED.	14. APPEALS from DECREES.	15. APPEALS TRIED.	16. Appeals reversed.
One adjournment in consequence of the court-house being occupied by the assistant-barrister at quarter sessions.	By Civil Bill: In the year ending the 16th day of April 1836 - - - - 122 In the year ending the 16th day of April 1837 - - - - 146 Total for two years - - - 268 By Attachment: In the year ending the 16th day of April 1836 - - - - 5 In the year ending the 16th day of April 1837 - - - - 1 Total - - - 6	By Civil Bill: In the year ending the 16th day of April 1836 - - - - 100 In the year ending the 16th day of April 1837 - - - - 121 Total for two years - - 221 By Attachment: In the year ending the 16th day of April 1836 - - - - 5 In the year ending the 16th day of April 1837 - - - - 1 Total - - - 6	In the year ending the 16th day of April 1836 - 5 In the year ending the 16th day of April 1837 - 3	In the year ending the 16th day of April 1836 - none In the year ending the 16th day of April 1837 - 1	none.

17. FEES RECEIVED by SENESCHAL.	£.	s.	d.	18. Sums recovered.
In the Year ending 16th April 1836:				In the year ending the 16th of April 1836, 203 *l.* 19 *s.* 1 *d.*
Civil bills tried - - - - - - -	27	10	–	
Attachments - - - - - - -	9	7	6	
Records originating by attachment - -	11	4	2	
Civil bills not brought forward for trial - -	33	2	–	
Entries not tried - - - - - - -	1	2	–	
Bail-bonds to attachments - - - -	4	13	4	
Bail-bonds on appeals - - - - - -	–	5	–	
Witnesses' summonses - - - - - -	–	4	–	
Renewals of decrees - - - - -	1	5	6	
Inquiry - - - - - - - - -	–	–	–	
	£. 88	13	6	
In the Year ending 16th April 1837:				In the year ending the 16th of April 1837, 199 *l.* 19 *s.* 7½ *d.*
Civil bills tried - - - - - - -	33	5	6	
Attachments - - - - - - -	6	17	6	
Records originating by attachment - -	2	4	10	
Civil bills not brought forward for trial -	24	10	–	
Entries not tried - - - - - - -	1	5	–	
Bail-bonds to attachments - - - -	–	13	4	
Bail-bonds on appeals - - - - - -	–	3	–	
Witnesses' summonses - - - - - -	–	1	–	
Renewals of decrees - - - - -	1	2	–	
Inquiry - - - - - - - - -	–	–	–	
	£. 70	2	2	

19. COSTS CHARGED by SENESCHAL.	£.	s.	d.	20. Profession of Seneschal.
Attachment - - - - - - - -	–	12	6	Attorney.
Filing declaration - - - - - - -	–	5	6	
Finding of jury on trial by attachment - -	1	6	10	
Fee on signing process - - - - - -	–	1	–	
Filing plea - - - - - - - - -	–	3	4	
Fee on entry and signing execution - - -	–	3	6	
Fee on signing dismiss - - - - - -	–	2	6	
Fee on receiving appeal bond - - - -	–	1	–	
Fee on inquiry, when goods claimed by a third person - - - - - - - -	1	1	–	
Fee on judgment on scire facias when bail are sued - - - - - - - -	1	16	–	
Fee on bail to an attachment - - - - -	–	13	4	
Fee on signing summons for witness - - -	–	1	–	
Fee on receiving writ of error - - - -	–	7	6	

MANOR OF MOYLINNY—Court held at Doagh.

1. JURISDICTION.	2. Greatest Distance of any place within such Jurisdiction from the ordinary place or places of holding such Court.	3. Dates of Patents or Charters.	4. Extent of Pecuniary Jurisdiction, and how enforced.	5. Description of Cases tried.	6. Extent of Powers with regard to Imprisonment.	7. Number of Persons imprisoned under Decrees.	8. Prison, of what Nature.	9. Power of Distress, what, and how levied.	10. Courts held in each year.
This court being in the same manor as the preceding, the same observations apply here.	7 miles	-	-	-	-	-	-	-	17

11. Courts adjourned for Non-attendance of Jurors or otherwise.	12. CASES ENTERED FOR TRIAL.	13. CASES TRIED.	14. APPEALS from DECREES.	15. APPEALS TRIED.	16. Appeals reversed.
One adjournment in consequence of the general quarter sessions for the county being held at that time.	By Civil Bill: In the year ending the 16th day of April 1836 - - - - 117 In the year ending the 16th day of April 1837 - - - - 191 By Attachment: In the year ending the 16th day of April 1836 - - - - 2 In the year ending the 16th day of April 1837 - - - - none	By Civil Bill: In the year ending the 16th day of April 1836 - - - - 93 In the year ending the 16th day of April 1837 - - - - 123 By Attachment: In the year ending the 16th day of April 1836 - - - - 2 In the year ending the 16th day of April 1837 - - - - -	In the year ending the 16th day of April 1836 - 7 In the year ending the 16th day of April 1837 - 2	In the year ending the 16th day of April 1836 - 2 In the year ending the 16th day of April 1837 - none	One reversed, without prejudice.

17. FEES RECEIVED by SENESCHAL.	£.	s.	d.	18. Sums recovered.	19. COSTS CHARGED by SENESCHAL.	20. Profession of Seneschal.
In the Year ending 16th April 1836:				In the year ending the 16th day of April 1836, 215 *l.* 12 *s.* 6½ *d.* In the year ending the 16th of April 1837, 264 *l.* 11 *s.*	Costs same as preceding.	Attorney.
Civil bills tried	25	11	6			
Attachments	8	15	–			
Records originating by attachments	4	9	8			
Civil bills not brought forward for trial	35	7	–			
Entries not tried	1	4	–			
Bail-bonds to attachments	1	6	8			
Bail-bonds on appeals	–	7	–			
Witnesses' summonses	–	2	–			
Renewals of decrees	–	19	6			
Inquiry	1	1	–			
	£. 79	3	4			
In the Year ending 16th April 1837:						
Civil bills tried	33	16	6			
Attachments	7	10	–			
Records originating by attachment	4	9	8			
Civil bills not brought forward for trial	26	12	–			
Entries not tried	3	8	–			
Bail-bonds to attachments	1	6	8			
Bail-bonds on appeals	–	2	–			
Witnesses' summonses	–	3	–			
Renewals of decrees	1	4	–			
Inquiry	1	1	–			
	£. 79	12	10			

MANOR OF BALLYNLINNY—Court held at Templepatrick.

1. JURISDICTION.	2. Greatest Distance of any place within such Jurisdiction from the ordinary place or places of holding such Court.	3. Dates of Patents or Charters.	4. Extent of Pecuniary Jurisdiction, and how enforced.	5. Description of Cases tried.	6. Extent of Powers with regard to Imprisonment.	7. Number of Persons imprisoned under Decrees.	8. Prison, of what Nature.	9. Power of Distress, what, and how levied.	10. Courts held in each year.
The manor court of Ballynlinny has jurisdiction over the following places, as described in the charter: Ballynmally, Kilgreegly, Ballynlinny, Lisnelinsenein alias Lisnilenchy, Ballyvalter, Ballyalgakey alias Ballycogogie, Cloghbally Robert, Ballynephelott alias Ballynepellody, Ballyhortwoy, Ballytemple, Ballypatrick alias Templeton, Ballyrickamore, Ballyhirbarnogues, Ballykilnakee, Ballycoofin, Ballymullaghtritt, Ballychone alias Ballyjohn, Ballygeolagh, Ballyonemagaile alias Ballyungell, Ballyuttoge, Ballyshradinmarishe, Ballyneclogh, Ballyotoge, Carnegreny, Carnanee, Ballybarnes, Bruslee, Moyuliske, Ballymarten, and Ballyclocorduffe alias Ballycloconduffe, lying and being in the territory or toagh of Ballynlinny; also Ballyhulruske alias Ballyhilruske, Ballymaceward, being two town lands lying and being in the territory or cinament of Clandermott.	6 miles	- -	- -	- -	- - -	- -	- -	- -	17
		This Court is held under the same Charter as the two former, and the same observations as appear under the several preceding heads apply to it.							

11. Courts adjourned for Non-attendance of Jurors or otherwise.	12. CASES ENTERED FOR TRIAL.	13. CASES TRIED.	14. APPEALS from DECREES.	15. APPEALS TRIED.	16. Appeals reversed.
One adjournment from a similar cause to that before mentioned.	By Civil Bill: In the year ending the 16th day of April 1836 - - - - - 102 In the year ending the 16th day of April 1837 - - - - - 158 By Attachment: In the year ending the 16th day of April 1836 - - - - - 2 In the year ending the 16th day of April 1837 - - - - - 2	By Civil Bill: In the year ending the 16th day of April 1836 - - - - - 75 In the year ending the 16th day of April 1837 - - - - - 120 By Attachment: In the year ending the 16th day of April 1836 - - - - - 2 In the year ending the 16th day of April 1837 - - - - - 2	In the year ending the 16th day of April 1836 - 4 In the year ending the 16th day of April 1837 - 5	In the year ending the 16th day of April 1836 - 1 In the year ending the 16th day of April 1837 - 1	none. —

17. FEES RECEIVED by SENESCHAL.	£.	s.	d.	18. Sums recovered.	19. COSTS CHARGED by SENESCHAL.	20. Profession of Seneschal.
In the Year ending 16th April 1836:				In the year ending the 16th of April 1836, 166 *l.* 0 *s.* 9 *d.* In the year ending the 16th of April 1837, 265 *l.* 1 *s.* 0½ *d.*	Costs same as preceding.	Attorney.
Civil bills tried	20	12	6			
Attachments	14	7	6			
Records originating by attachment	4	9	8			
Civil bills not brought forward for trial	30	2	–			
Entries not tried	1	7	–			
Bail-bonds to attachments	1	6	8			
Bail-bonds on appeals	–	4	–			
Witnesses' summonses	–	3	–			
Renewals of decrees	–	18	–			
Inquiry		—				
	£. 73	10	4			
In the Year ending 16th April 1837:						
Civil bills tried	33	–	–			
Attachments	5	–	–			
Records originating by attachments	4	9	8			
Civil bills not brought forward for trial	19	11	–			
Entries not tried	1	18	–			
Bail-bonds to attachments	1	6	8			
Bail-bonds on appeals	–	5	–			
Witnesses' summonses	–	5	–			
Renewals of decrees	1	7	–			
Inquiry		—				
	£. 67	2	4			

Arthur Adair Gamble, Seneschal.

MANOR OF MULLOGHANE.

JURISDICTION; Names of Townlands?

Aghacarnaghan, Aghaloughan, Annaghmore, Artlone, Ballydugannon, Ballydonnelly, Ballydunmaul, Ballynafie, Breckart, Ballymatoskerty, Ballynamullan, Ballynacooley, Ballynaleaney, Ballylenally, Cargin, Creggan, Clonkeen, Creeve, Corlean, Drumreymond, Drumderrig, Drumcullin, Derryhullogh, Garriffgeery, Gortgam, Gallagh, Killylass, Muckrim, Moneyglass, Mulloghgane, Moueynick, Moneyrod, Portlee, Toome and Tulloghbegg.

The greatest distance of any place within the jurisdiction, from the court-house, is five miles.

Charter?

Granted in 36 Charles 2, to Rose, Lady Marchioness of Antrim, the ancestor of the present Earl O'Neill. Pecuniary jurisdiction 20 *l.* sterling.

Attachments against the goods are issued in cases where the plaintiff makes affidavit of debt, and that he believes the defendant's goods would not be found within the manor, provided a summons or process was first issued, and thereby plaintiff would be in danger of losing the amount of his debt. If the parties do not settle, or that bail is not given, the goods are held in custody until the issue of a jury, which is generally in a summary way by process, no case having been tried by any formal pleadings since 31st December 1833. The Manor-court Acts regulating the proceedings are 25 Geo. 3, c. 44; 27 Geo. 3, c. 22; 7 Geo. 4, c. 41, and 7 & 8 Geo. 4, c. 59.

Decrees are issued against the defendant's goods only, for the sums found by the jury, and 5*s.* 6*d.* costs.

The decree, if not satisfied, is renewed on the next court day, on oath, in open court, to that effect; the original decree being kept and filed with the seneschal's clerk.

Imprisonment?

No execution has been issued against the body, nor any person imprisoned for debt within the manor, for upwards of 20 years. There is no prison within the manor; there is a place for holding goods seized by attachment.

Courts?

Courts leet are held in April and October in every year, when applotters of the public cesses are appointed, and appraisers of damages done by trespass of cattle within the manor; also presenting bailiff's salary, and for any repairs the court-house may require.

Courts for recovery of debts are held 12 times in each year, in the town of Toome; each court held on a Thursday, not less than three weeks from the preceding one. No court has been adjourned for non-attendance of jurors; one from the illness of the seneschal.

Number of cases entered for trial in the year	1834	113
—	1835	86
—	1836	110
—	1837	100
Number of cases tried in the year	1834	79
—	1835	64
—	1836	62
—	1837	81

Total amount of verdicts from 31st December 1833, 524*l.* 2*s.* 2*d.*

Appeals?

Appeals in most cases are lodged to stop the execution of the decree, and obtain time for defendant to raise the money; they are seldom tried; cannot state how many were tried; not aware of any decrees having been reversed.

Fees?

Attachment costs, 7*s.* 1 *d.* viz.:

	£.	s.	d.
Preparing affidavit of debt and attachment	–	3	7
Seneschal, for swearing and signing	–	2	6
Bailiff for executing	–	1	–
	£. –	7	1

Regulated by ancient usage.

	£.	s.	d.
Summons or process	–	1	–
Entering cause	–	1	–
Seneschal, on decree	–	2	6
Bailiff, for summoning jury	–	1	–
	£. –	5	6

	£.	s.	d.
Bailiff's service of process	–	–	6
Renewing decree	–	–	6
Appeal	–	1	–

Seneschal?

The seneschal is not a member of any legal profession; is a justice of the peace of the county of Antrim.

11 April 1837. *John Higginson*, Seneschal.

Appendix (A.)

Antrim.

Manor of Oldstone.

Manor of Oldstone.

Place where Courts held, Extent of Manor, with greatest Distance, &c., from the ordinary places of holding Courts?

Courts held at Clough once in each three weeks. The manor, with a trifling exception, extends over the barony of Kilconway, an extent of about 16 statute miles in length, varying in breadth from four to seven miles, and comprising an area of about 68,000 statute acres. Clough, where the courts are held, is the principal town of the manor; courts held as per schedule annexed, once in each three weeks. The greatest distance of any part of the manor from Clough, the place of holding the courts, might be perhaps about 11 miles. There is a good court-house at Clough, with jury rooms, &c., and suitable accommodation for the business of the courts.

Courts leet are also held at Easter and Michaelmas in each year, where all persons who owe suit and service are summoned to attend. At the courts leet parish constables are usually appointed, as also applotters of the county rates, &c.

Date and Particulars of Patent or Charter under authority of which Courts are held?

There are numerous patents or charters from the Crown to the different Earls of Antrim, some of a very early date, and all granting power to hold courts leet and courts baron, &c., and to appoint seneschals or stewards, marshals and bailiffs, within the several manors created by said patents. The last patent bears date the 8th September 1629, 5 Charles 1.

Edmund M'Donnell, Esq., of Glenarm Castle, is the present lord of the manor.

Extent of Pecuniary Jurisdiction, how enforced, and Description of Actions tried?

Jurisdiction extends to 10 *l.* British. Cause of action must arise within the manor. Actions triable by civil bill; also by attachment of the goods, grounded in the first place upon affidavits. All cases, whether by record or civil bill, triable by a jury of the manor; the jury usually selected from the farmers or respectable freeholders of the manor by summons. Upon finding and verdict of the jury, but in no case otherwise, a decree or execution issues, directed to the manor bailiff, who levies the amount off the goods of the defendant. The description of actions tried are usually such as might be supposed to arise in rural districts.

Powers with regard to Imprisonment, Number of Persons imprisoned under Decrees, with Particulars of Prison, &c.?

A power is given under the patent or charter to issue executions or decrees against the persons of defendants; formerly this power was exercised, and committals made to local prisons within the manor; these prisons were abolished, however, by the Act of 7 Geo. 4, c. 74, which enacts that committals from manor court jurisdiction, under decrees or executions, shall be made to the county gaol, and that the officers of local jurisdictions shall be obliged to maintain such debtor while in the county gaol, and shall be accountable to the grand jury of the county for the expense of supporting such debtors. As the expense of maintaining, while in gaol, debtors committed from local jurisdictions by seneschals, would seem under this Act to be thrown personally upon the seneschals themselves, I have, since the passing of the Act, but rarely signed any decrees against the body.

Power of Distress, and how levied?

Decrees levied by seizure and sale of defendant's goods by manor bailiff, who accounts with the plaintiff.

Return of the Number of Courts held in each Year, 1834, 1835, and 1836, commencing 31st December 1833?

In the year 1834, 18 courts held.
— 1835, 16 courts held; two courts adjourned.
— 1836, 17 courts held; one adjournment.

No court adjourned for non-attendance of jurors. In this district, the jurors, generally speaking, attend punctually on summons. In the instances of the adjournments stated as above, in 1835 and 1836, they arose in both cases from the inability of the seneschal to attend.

The Number of Cases entered for trial?

In the year	1834,	167 civil bills entered;	21	attachments.
—	1835,	140 —	25	—
—	1836,	157 —	35	—

The Number of Cases tried?

In the year	1834,	131 civil bill cases tried;	1	attachment by record.
—	1835,	115 —	2	—
—	1836,	124 —	3	—

The Number of Appeals from Decrees, how many tried, and how many reversed?

The information now sought I cannot find any means of getting at with that accuracy which I could wish. Parties frequently appeal and enter into bond, avowing their object to be

be not a rehearing of the case, but in order to gain time to discharge the debt, and which they contrive to do just before or frequently at the assizes, after having put the respondent and his witnesses to the expense of attending in order to affirm their decree. The facility afforded, and the way in which it is turned to fictitious appeals of this description, I look upon as almost the worst part of the manor-court system; to fair and legitimate causes of appeal, when the appellant sought a rehearing of the case before a superior court, every facility should be given, but to the description of appeals to which I have here alluded, and which will be found by far the most numerous class, some check should be had. This might easily, I conceive, be accomplished without interfering generally with the right of appeal.

The number of appeals tried from this manor court, could not, I conceive, average more than perhaps one or two at each assizes, if so much. I have no record of the number actually entered and tried, but a reference to the judge's registers in each county would at once ascertain this fact. The plaintiff in the original decree has himself custody of the decree and bail-bond when appealed from, so that when settled or the debt satisfied no more is heard of it; and this settlement not unfrequently takes place between the parties themselves when assembled at the assizes to try their appeal.

Fees charged; Sums recovered; and the Amount of Costs during the same period?

The fees chargeable upon civil bills are regulated by the Act of 25 Geo. 3, c. 44, and are as follow:

	s.	*d.*
To the seneschal, for each process or summons issued, and for signing same -	1	–
Ditto, for entering the plaint - - - - - - - - - - -	2	6
Bond and bail, on appeal - - - - - - - - - - -	1	–
To the bailiff or marshal, for summoning jury - - - - - - - -	1	–

And 6 *d.* for the first, and 3 *d.* for every pound after which he (the bailiff) shall levy, under all executions.

The total costs chargeable against defendants upon each decree of the manor court is 5*s.* 6*d.*

For each renewal of a decree the seneschal is entitled to a fee of 6 *d.* and no more.

Fees payable under Proceedings by Attachment, &c.:

Under this head there would seem to be no statutable enactment regulating fees; they are consequently various over the different manors.

The following are those charged in this manor.

	£.	*s.*	*d.*
Seneschal, for drawing and taking affidavit to ground attachment, for issuing attachment, preparing and entering same - - - - - - - -	–	8	–
For entering suit - - - - - - - - - - - - -	–	2	–
For taking bail (if bail put in by defendant) - - - - - - - -	–	2	–
For filing declaration - - - - - - - - - - -	–	2	–
For issuing precept or distringas, and bailiff for summoning jury, and bailiff's fee thereon - - - - - - - - - - - -	–	6	–
Seneschal, for drawing and entering execution - - - - - -	–	2	6
Seneschal, for signing same - - - - - - - - - -	–	2	–
£.	1	4	6

Total Return of Fees actually received by the Seneschal out of this Manor during the following years, viz.:

	£.	*s.*	*d.*
In the year 1834 fees and costs received - -	67	11	8
— 1835 — - -	59	10	4
— 1836 — - -	74	5	5

Note.—The year 1837 shows a considerable increase of business at these courts.

I have no means of ascertaining the sums actually recovered for costs by parties or suitors, as this, when settlements take place between plaintiffs and defendants, not unfrequently becomes matter for private arrangement between the parties themselves.

Whether the Seneschal, or Steward be a Member of any and what Legal Profession, or a Justice of the Peace?

The seneschal of this manor not a member of any legal profession; is a justice of the peace for the county.

I certify the foregoing to be a correct return, to the best of my opinion and belief.

10 April 1837. *Thomas Davison*, Seneschal.

Appendix (A.)

ANTRIM.

Manor of Oldstone.

CLOUGH COURTS, for the year 1837.

Manor of Oldstone, to wit. } Notice is hereby given, that courts throughout the year, for the recovery of debts, &c., will be regularly held in the court-house, in the town of Clough, in and for said manor, on the days below set forth. The business on each court day to commence precisely at 11 o'clock.

Monday, 2 January 1837.	Monday, 10 July 1837.
Monday, 23 January 1837.	Monday, 31 July 1837.
Monday, 13 February 1837.	Monday, 21 August 1837.
Monday, 6 March 1837.	Monday, 11 September 1837.
Monday, 27 March 1837.	Monday, 2 October 1837.
Monday, 17 April 1837.	Monday, 23 October 1837.
Monday, 8 May 1837.	Monday, 13 November 1837.
Monday, 29 May 1837.	Monday, 4 December 1837.
Monday, 19 June 1837,	Tuesday, 26 December 1837.

1 January 1837. *Thomas Davison*, Seneschal.

COUNTY OF ARMAGH.

ARMAGH.

Manor of Acton.

MANOR OF ACTON.

THE Places over which the Jurisdiction of each Court extends, and the greatest Distance of any place within such Jurisdiction from the ordinary place or places of holding such Court?

The jurisdiction of this court extends over the following townlands:—Aughantanaghan, Brackagh, Ballenan, Ballynalack, Ballyreagh, Ballynagreagh, Branock, Carron, Carcrum, Crumore, Crievi, Canonarce, Federna, Glassdromond, Lisnisk, Lisraw, Pointzpass, Rathconwell, Tullynacross and Tullylum. The greatest distance of any of the above places from where the court is held is about three and a half miles.

A Return of the Dates of Patents or Charters granted to such Court?

Charter, dated 14th March, in the reign of Charles 1.

A Return pointing out the Extent of their Pecuniary Jurisdiction; how it is enforced, and what Description of Cases are tried?

This court can recover 5*l*. There is power to distrain the defendant's goods and chattels to satisfy the amount of the decree. The cases tried are in general for oats, oatmeal, for pigs sold, groceries, shop goods of different kinds, tradesmen's and labourers' wages, small rents, lent cash, linen yarn, potatoes, hay, &c.

A Return, pointing out the Extent of their Power with regard to Imprisonment?

There is a power to imprison, if there was a prison in the manor.

The number of Persons imprisoned under their Decree?

None imprisoned.

Also, to state whether the Prison be one of Peculiar Jurisdiction?

There is no prison in this manor, but the charter gives the seneschal power to have one built.

A Return, stating whether Power of Distress exists, and how it is levied?

There is power to distrain the defendant's goods and chattels, and it is levied by a decree obtained at the court; but this has never been done, as the amount has been always paid.

A Return of the Number of Courts held in each Year, beginning from the 31st day of December 1833?

Twelve courts are held in each year.

The Number of Courts adjourned for Non-attendance of Jurors or other causes?

Two adjournments, the seneschal being from home.

The Number of Cases entered for Trial.

No cases entered but those tried; all cases settled before the court day, no entry is made of them.

The Number of Cases tried?

The number of cases tried from 31st December 1833 to the 31st March 1837 is 79. I find, in general, that not more than one case out of every 20 processes or summonses issued comes to trial, but is settled before the court day.

The

The Number of Appeals from Decrees, stating how many were tried, and how many Decrees were reversed?

No appeals from decrees.

Manor of Acton.

A Return of Fees charged, the Sums recovered, and the Amount of Costs, during the same period?

There is 5*s.* 6 *d.* charged on each decree. The amount recovered for plaintiffs, for three years, ending the 31st March 1837, 67 *l.* 3*s.*; amount of fees received in same period, 17 *l.* 4 *s.*

A Return of such Courts the Seneschal or Stewards of which are Members of any and what Legal Profession, or Justices of the Peace?

No legal profession, nor justice of the peace; is under agent to the Earl of Gosford.

Markethill, 10 April 1837. *John Mitchell*, Seneschal.

MANOR OF ARMAGH.

Manor of Armagh.

THE charter of the manor of Armagh, by grant from James 1, to Christopher, the then archbishop of the see, dated 3d July, and 18th year of his reign, extends its jurisdiction over 213 townlands, situate in the parishes of Armagh, Clongeele, Derrynoose, Keady, Kilmore, Killymann, Mullabrack and Ballymore, in the county of Armagh, and six townlands of the county of Tyrone, barony of Dungannon, and parish of Clongeicle; and the greatest distance from the market-house of Armagh, wherein the court is holden monthly, is 10 miles.

The extent of the pecuniary jurisdiction is 10 *l.* Irish, 9 *l.* 4*s.* 7 ½ *d.* British, and is enforced by decree, authorizing the sale of the goods and chattels of the defendant. The cases are actions for debt.

By the charter, the seneschal had the power of building a bridewell, and issuing an attachment against the body; but this authority was never enforced, all attachments being issued against the goods of the defendant; and there is no prison belonging to the manor of Armagh.

The manor court has been regularly holden on the first Monday in each month, being situated in the centre of the city of Armagh. There has seldom been an instance of adjournment from the non-attendance of jurors; one such case only has occurred in the last three years.

The average number of cases entered for trial is from 15 to 25; all which cases, being entered on the morning of the court day, are immediately proceeded with and tried. The average number of appeals from decrees may be taken at one in every 10, of which about three are tried, and about one reversed.

The fees chargeable are as follows:

	£.	s.	d.
For every printed process signed, with copy - - -	-	1	-
Entering same for trial - - - - - - - -	-	3	6
Attachments (issued only on the affidavit of the plaintiff, that the defendant is in embarrassed circumstances, or likely to remove his goods to avoid payment) - -	-	5	-
Entering same - - - - - - - - -	-	3	6
Execution by bailiff - - - - - - - -	-	2	6
£.	-	15	6

The seneschalship of Armagh has been hitherto held by the sovereign, who has been a justice of the peace, and is now held by Thomas Kelly Evans, a magistrate of the county.

Armagh, 3 April 1837. *Thomas K. Evans*, Seneschal.

MANOR OF BALEEK.

Manor of Baleek.

THE Places over which the Jurisdiction of each Court extends, and the greatest Distance of any place within such Jurisdiction from the ordinary place or places of holding such Court?

The jurisdiction of this court extends over the following townlands: Baleek, Conomannon, Carrickanany, Cregans, Crunaught, Carrickgollogly, Drumhoney, Drumnahuncheon, Drumgean,

Appendix (A.)

ARMAGH.

Manor of Baleek.

gean, Dirlet, Grayhilla, Lisdrumchor and Lurgiross. The greatest distance of any of the above places from where the court is held is about three miles.

A Return of the Dates of the Patents or Charters granted to such Court?

Charter is dated 5th August, in the year of the reign of Charles 1.

A Return pointing out the Extent of their Pecuniary Jurisdiction; how it is enforced, and what Description of Cases are tried?

This court can only recover 40*s.* late Irish currency. There is power to seize the defendant's goods and chattels by decree obtained at court. The cases tried are in general for oats, oatmeal, for pigs sold, groceries, shop goods of different kinds, tradesmen's and labourers' wages, small rent, linen yarn, potatoes, hay, &c.

A Return pointing out the Extent of their Power with regard to Imprisonment?

This charter gives no power to imprison.

The Number of Persons imprisoned under their Decrees?

None imprisoned.

Also, to state whether the Prison be one of Peculiar Jurisdiction?

There is no prison in this manor.

A Return stating whether Power of Distress exists, and how it is levied?

There is power to distrain the defendant's goods and chattels, and it is levied by a decree obtained at the court; but this has never been done, as the amount has always been paid.

A Return of the Number of Courts held in each Year, beginning from the 31st day of December 1833?

Twelve courts are held in each year.

The Number of Courts adjourned for Non-attendance of Jurors, or other causes?

Two adjournments, the seneschal being from home.

The Number of Cases entered for Trial?

No cases entered but those tried; all cases settled before the court day, no entry is made of them.

The Number of Cases tried?

The number of cases tried from 31st December 1833 to the 31st March 1837 is 48. I find, in general, that not more than one case out of every 20 processes or summonses issued comes to trial, but is settled before the court day.

The Number of Appeals from Decrees, stating how many were tried, and how many Decrees were reversed?

No appeals from decrees.

A Return of Fees charged, the Sums recovered, and the Amount of Costs during the same period?

There is 5*s.* 6*d.* charged on each decree; the amount recovered for plaintiffs for three years, ending the 31st of March 1837, 34*l.* 15*s.* 8*d.*, and of fees received in same period, 9*l.* 5*s.* 6*d.*

A Return of such Courts the Seneschal or Stewards of which are Members of any and what Legal Profession, or Justices of the Peace?

No legal profession, nor justice of the peace; is under agent to the Earl of Gosford.

Markethill, 10 April 1837. *John Mitchell*, Seneschal.

MANOR OF BALLYMORE.

SPECIFYING the Places over which the Jurisdiction of each Court extends?

Manor of Ballymore.

The jurisdiction of this court extends over the following townlands, viz.: Ballymore (including the town of Tandragee), Cargins, Coreruagh, Corinshega, Cornegat, Crubeg, Derryallen, Lisbane, Mullaglass, Mullahead, Tullyhue, Tullyhappy and Crankey, comprising the manor of Ballymore, and containing 6,469 acres.

The

The greatest Distance of any Place within such Jurisdiction from the ordinary place or places of holding such Court?

From two to two and a half miles, save as to Cornegat, Corinshega, Tullyhappy and Crankey, which are distant from eight to eleven miles.

A Return of the Dates of Patents or Charters granted to such Courts?

By letters patent dated 28th November, 8 James 1.

The Extent of their Pecuniary Jurisdiction; how it is enforced?

Two pounds Irish, or 1 *l.* 16*s.* 11 *d.* British currency. By decree against the goods only.

What Description of Cases are tried?

Book debts, contracts and agreements for goods sold and delivered, and for money had and received, &c.

The Extent of their Power regarding Imprisonment?—None.

The Number of Persons imprisoned under their Decree?—None.

Whether the Prison be one of Peculiar Jurisdiction?—No prison.

A Return, stating whether the Power of Distress exists, and how it is levied?

By distringas, on an affidavit made by plaintiff.

The Number of Courts held in each Year, beginning from the 31st December 1833?

My appointment bears date the 5th day of December 1833; and I held my first court leet the 9th day of May 1834, and my first court baron on the 6th June 1834; since which time I have held 28 courts baron.

The Number of Courts adjourned for Non-attendance of Jurors, or other cause?

None.

The Number of Cases entered for Trial?

One hundred and sixty-one.

The Number of Cases tried?

One hundred and twenty-three.

The Number of Appeals from Decrees?—None.

How many were tried?—None.

How many Decrees were reversed?—None.

A Return of Fees charged?

The fees pursuant to the statute 25 Geo. 3, c. 44, s. 8.

The Sums recovered?

£. 76. 8*s.* 11 *d.*

And the Amount of Costs during same period?

£. 21. 19*s.*; 5*s.* 6*d.* are the costs that uniformly follow the decree, but not paid unless amount levied; 2*s.* in most cases is the amount of costs the defendant has to pay, provided he settles before the decree issues; therefore the amount stated is the amount I have received.

A Return of such Courts the Seneschal or Stewards of which are Members of any and what Legal Profession, or Justices of the Peace?

The seneschal is not a member of any legal profession, but is a justice of the peace for the county in which this manor is situate; but was a solicitor for 14 years, and attorney of all the superior courts.

I certify that the foregoing return is correct.

Robert Wilson, Registrar.

John Cuthbert,
(in the room of *Francis Armstrong,* deceased)
Manor Bailiff.

Charles Hunt, Seneschal.

Appendix (A.)

ARMAGH.

Manor of Ballyoran.

MANOR OF BALLYORAN.

SPECIFYING the Places over which the Jurisdiction of each Court extends?

The jurisdiction of this court extends over the following townlands, viz.: Annagh, Ballyoran, Clounagh, Corcrain, Corcullintramore, Corcullintrabeg, Garvaghey, Kilmarerty, Mullentine, Selshon, Tavenagh, including the large and populous town of Portadown, and containing an area of 2,307 acres.

The greatest Distance of any Place within such Jurisdiction from the ordinary place or places of holding each Court?

From one mile and a half to two miles.

A Return of the Dates of Patents or Charters granted to such Courts?

By letters patent, dated 13th July, 7 Charles 1.

The Extent of their Pecuniary Jurisdiction; how it is enforced?

£. 2. Irish, or 1 *l.* 16 *s.* 11 *d.* British currency. By decree against the goods only.

What Description of Cases are tried?

Book debts, contracts and agreements for goods sold and delivered, and for money had and received, &c.

The Extent of their Power regarding Imprisonment?—None.

The Number of Persons imprisoned under their Decree?—None.

Whether the Prison be one of Peculiar Jurisdiction?—No prison.

A Return, stating whether the Power of Distress exists, and how it is levied?

By distringas, on an affidavit made by plaintiff.

The Number of Courts held in each Year, beginning from the 31st December 1833?

My appointment bears date the 5th day of December 1833., I held my first court leet the 5th of May 1834, and my first court baron on the 11th August 1834; since which time I have held 11 courts baron. This court is held only once a quarter.

The Number of Courts adjourned for Non-attendance of Jurors, or other causes?

One adjournment, in consequence of no cases being entered for trial.

The Number of Cases entered for Trial?—Ninety-three.

The Number of Cases tried?—Eighty.

The Number of Appeals from Decrees?—One.

How many were tried?—One.

How many Decrees were reversed?—One.

A Return of Fees charged?

The fees pursuant to the statute 25 Geo. 3, c. 44, s. 8.

The Sums recovered?—The sum of 46 *l.* 19 *s.* 4 *d.*

And the Amount of Costs during same period?

£. 14. 1 *s.* Five shillings and sixpence are the costs that uniformly follow the decree, but not paid unless amount levied. Two shillings, in most cases, is the amount of costs the defendant has to pay, provided he settles before the decree issues; therefore 14 *l.* 1 *s.* is the amount I have received.

A Return of such Courts the Seneschal or Stewards of which are Members of any and what Legal Profession, or Justices of the Peace?

The seneschal is not a member of any legal profession, but is a justice of the peace for the county in which this manor is situate; was a solicitor and attorney of all the superior courts for 14 years.

I certify that the foregoing return is correct,

Robert Wilson, Registrar.

John M'Connell, Manor Bailiff.
Charles Hunt, Seneschal.

Appendix (A.)

ARMAGH.

Manor of Brownlowsderry and Richmond.

MANORS OF BROWNLOWSDERRY AND RICHMOND.

THE manor-court of Brownlowsderry was granted by patent to Sir William Brownlow, knt., dated 22d June 1630, 5 Charles 1.

The extent of jurisdiction is 40 *s.* British currency.

The court is held in the town of Largan, in the county of Armagh.

The greatest distance from Largan is eight miles, Irish measure.

The debts are enforced by English bill or civil bill; after judgment, a decree is issued against the goods, but in no case has execution ever been issued against the person of the defendant.

The power of distress is given, but never exercised except after judgment, and then by warrant from the seneschal to the bailiff of the manor.

I have held no courts from the 31st day of December 1833, as I have always considered the jurisdiction of the assistant-barrister a much better one for debts of the description usually sued for in the manor court.

I am a magistrate of the counties of Armagh, Down and Antrim.

The manor of Richmond, in the county of Armagh, was granted to John Waldron, esq., by Charles 1, in the 15th year of his reign, 1640:—

"The great proportion of Aghavillon lying and being in the barony of Oneilland, in the county of Armagh. Whether they be a manor or several manors, or be not, or be now part of a manor, or several manors, or be not, shall for ever hereafter be esteemed one entire manor in matter and name; and that the said manor, by whatever other name or names it was heretofore called, shall for ever hereafter be called and reputed the Manor of Richmond."

The extent of the manor contains no town, and the manor-court was usually held as near the centre as a house could be obtained.

The greatest distance any person had to travel was about three Irish miles.

The extent of the jurisdiction is 40*s.* British.

The debts are recovered by English bill or civil bill; after judgment, a decree was issued against the goods of the defendant.

In no case has any imprisonment been suffered by any individual.

The power of distress is given, but never exercised except after judgment, and then by warrant from the seneschal to the bailiff of the manor.

I have held no courts from the 31st day of December 1833, for the reason stated in Brownlowsderry.

The fees formerly charged were all pursuant to Act of Parliament.

I hold my appointment, as seneschal of both manors, from the Right Hon. Charles Brownlow.

Largan, 13 April 1837. *William John Hancock*, Seneschal.

MANOR OF CASTLE DILLON.

Manor of Castle Dillon.

QUERIES.—1. What is the Jurisdiction over which the Court extends?

Jurisdiction is at present exercised over the following townlands, viz: Annaclare, Cloghan, Drumadmore, Drumogher, Drumnasoo, Grange, Killuney, Legwilly, Mullaghbawn, Mullynasilly, Turcurry.

2. What is the greatest Distance of any Place within such Jurisdiction from the ordinary place of holding the Court?

About three miles.

3. What is the Date of the Patent?

The patent was granted in the reign of Charles 1, which patent was lost or mislaid, but a copy thereof was obtained from the Record-office, in the year 1807.

4. What is the Extent of Pecuniary Jurisdiction?—Two pounds sterling.

5. How is it enforced?—By sale of defendant's goods.

6. What is the Description of Cases tried?—Cases for the recovery of small debts.

7. What is the Extent of Power with regard to Imprisonment?—None exercised.

8. What Number of Persons have been imprisoned under a Decree of the Court?

None.

9. Is the Prison one of Peculiar Jurisdiction?—None.

10. Does the Power of Distress exist, and how levied?

A decree of the court empowers the distress and sale of the defendant's goods.

11. What Number of Courts have been held since the 31st of December 1833?

In 1834, three; 1835, three; 1836, five; 1837, none yet.

12. How many Courts have been adjourned from any cause?—None.

13. How many cases entered for Trial?

In 1834, eight; 1835, three; and in 1836, nine.

14. How many tried?—In 1834, four; 1835, three; 1836, eight.

15. How many Appeals?—In 1834, two; 1835, two; and none since.

Appendix (A.)

ARMAGH.

Manor of Castle Dillon.

16. How many Decrees were reversed?—One in 1834; none since.

17. What Fees have been charged?

One shilling each on all processes issued; 5*s.* 6*d.* in every case where a decree was obtained, including the 1*s.* for process; 1*s.* each on all appeals; and 2*s.* 6*d.* on a distringas.

18. What Sums recovered?

	£.	s.	d.
In 1834	1	1	6
—	—	10	—
In 1835	—	13	—
—	—	7	1

	£.	s.	d.
In 1835	1	10	—
In 1836	1	6	3
—	—	6	—
—	—	15	6

	£.	s.	d.
In 1836	1	1	—
—	—	15	6
—	—	12	6
—	—	14	10

19. What is the Amount of Costs received since the 31st day of December 1833.

About 9 *l.*; this includes 1 *s.* each upon an average number of, say eight, processes, signed by the seneschal prior to the court day, and subsequently settled without going to trial.

20. Is the Seneschal or Steward a Member of any and what Legal Profession, or a Justice of the Peace?

Is neither a member of the law nor a justice of the peace.

Castle Dillon, 10 April 1837. *Alexander Peel*, Seneschal.

MANOR OF CHARLEMONT.

Manor of Charlemont.

WHAT is the Jurisdiction over which the Court extends?

Jurisdiction is at present exercised over the townlands of Clanmore, Clanbeg, Drumcart, Drumgrannon, Lisroan, Listamnet, Moy and Tyrteenan, in the county of Tyrone, and over the townlands of Altatinke, Anagha, Aughnactoy, Anaghmacmanus, Ballybrannon, Cloghfin, Creeveroe, Cronkill, Corrand, Donavalley, Derrylard, Grangeblundels, Grangemore, Killmakew, Drummonbeg, Laraghashankill, Maghery, Rathdrumgrana, Ternascobe, Tyrearty, Tullysarrin, and part of the city of Armagh, in the county of Armagh.

What is the greatest Distance of any Place within such Jurisdiction from the ordinary place of holding the Court?

About six miles.

What is the Date of the Patent?

The 17th of September, in the 15th year of the reign of Charles 1.

What is the Extent of Pecuniary Jurisdiction? —£. 5, late Irish currency.

How is it enforced?—By sale of defendant's goods.

What is the Description of Cases tried?—Cases for the recovery of small debts.

What is the Extent of Power with regard to Imprisonment?—None exercised.

What Persons have been imprisoned under the Decrees of the Court?—None.

Is the Prison one of Peculiar Jurisdiction?—None.

Does the Power of Distress exist, and how levied?

It exists under the decree of the court, and is levied by the sale of defendant's goods.

What Number of Courts have been held since the 31st December 1833?

In 1834, two; in 1835, two; in 1836, two; and in 1837, none yet.

How many Courts have been adjourned from any cause?—None.

How many Cases entered for Trial?—In 1834, 15; in 1835, 16; and in 1836, 27.

How many tried?—In 1834, 13; in 1835, 14; and in 1836, 22.

How many Appeals?—None.

What Fees have been charged?

Five shillings and sixpence in every case where a decree was obtained.

What Sums recovered?

The following sums have been recovered, viz.:

	£.	s.	d.
In 1834	—	18	—
—	1	1	3
—	2	17	6
—	—	13	7½
—	—	6	3
—	—	14	2
In 1835	1	7	6
—	—	12	5
—	—	3	6
—	—	3	5
—	2	10	—

	£.	s.	d.
In 1835	1	7	10
—	1	10	6
—	3	13	4
—	1	4	5
—	—	17	—
—	—	17	—
In 1836	—	12	—
—	—	15	—
—	1	—	—
—	1	16	—
—	—	4	—

	£.	s.	d.
In 1836	—	8	—
—	—	13	6
—	—	11	4
—	—	7	8
—	—	8	—
—	1	2	3
—	—	5	9
—	—	9	8
—	—	6	—
—	—	13	2

What

Appendix (A.)

ARMAGH.

What is the Amount of Costs received since the 31st December 1833?

About 30 *l.* 10 *s.*; this includes 1 *s.* upon an average number, say 50 processes, signed by the seneschal, prior to the court day, and subsequently settled without going to trial.

Armagh, 4 April 1837. *William W. Algeo.*

MANOR OF CLADYMORE.

Manor of Cladymore.

WHAT is the Jurisdiction over which the Court extends?

The jurisdiction is at present exercised over the following townlands, being that part of the manor in the Earl of Charlemont's possession. A much greater number of townlands is given in the patent.

Aughmagorgan, Ballylean, Ballymacnabb, Ballymacaully, Carrickatoal, Carnavanaghan, Cavanagrough, Cashill, Cladymore, Cladybeg, Corclea, Damully, Drumalee, Drumachee, Enagh, Foley, Granemore, Killmakew, Lurgaboy, Tassagh, Ballanlack, Carrickbrackan, Carrickcruppen, Carrickcloghan, Cloghurivane, Cross, Drumherriff, Esswary, Keggal, Liseraw, Maghernahely, Tullywinney.

What is the greatest Distance of any Place within such Jurisdiction from the ordinary place of holding the Court?

About six miles.

What is the Date of the Patent?

The 17th day of September, in the 15th year of the reign of Charles 1.

What is the Extent of Pecuniary Jurisdiction?—£. 5, late Irish currency.

How is it enforced?—By sale of defendant's goods.

What is the Description of Cases tried?—Cases for the recovery of small debts.

What is the Extent of Power with regard to Imprisonment?—None exercised.

What Number of Persons have been imprisoned under the Decree of the Court?

None.

Is the Prison one of Peculiar Jurisdiction?—None.

Does the Power of Distress exist, and how levied?

It exists under the decree of the court, and is levied by the sale of defendant's goods.

What Number of Courts have been held since the 31st of December 1833?

In 1834, two; in 1835, two; in 1836, three; and in 1837, none yet.

How many Courts adjourned from any cause?—None.

How many Cases entered for Trial?—In 1834, 13; in 1835, 12; in 1836, 22.

How many tried?—In 1834, 11; in 1835, 11; in 1836, 20.

How many Appeals?—None.

What Fees have been charged?

Five shillings and sixpence in every case where a decree was obtained.

What Sums recovered?

	£.	s.	d.
In 1834	1	11	9½
—	—	4	—
—	—	9	—
—	1	—	—
—	—	6	—
—	1	6	—
—	—	13	4
In 1835	—	10	—
—	1	—	9
—	1	6	—

	£.	s.	d.
In 1835	—	10	—
—	3	7	11½
—	—	10	—
—	—	10	10
—	3	—	—
—	1	7	6
In 1836	—	12	6
—	3	1	5
—	—	4	9

	£.	s.	d.
In 1836	—	5	—
—	1	—	—
—	—	10	—
—	1	1	—
—	1	17	11
—	1	7	2
—	1	14	—
—	—	6	10
—	—	6	—
—	2	11	9

What is the Amount of Costs received since 31st December 1833?

About 29 *l.* 10 *s.*; this includes 1 *s.* each upon an average number, say 50 processes, signed by the seneschal prior to the court day, and subsequently settled without going to trial.

Armagh, 4 April 1837. *William W. Algeo.*

MANOR OF COOLMALISH.

Manor of Coolmalish.

THE Places over which the Jurisdiction of each Court extends, and the greatest Distance of any place within such Jurisdiction from the ordinary place or places of holding such Court?

The jurisdiction of this court extends over the following townlands: Ballyaney, Bryandrum, Brackley, Ballindaragh, Cabragh, Cordromond, Carricklane, Corhamock, Coolmalish,

Appendix (A.)

ARMAGH.

Manor of Coolmalish.

Dennismullen, Drumlack, Edneykennedy, Glassdromond, Lisnagat, Markethill, Sebochan, and Killbracks. The greatest distance of any of the above places from where the court is held is about two and a half miles.

A Return of the Dates of Patents or Charters granted to such Court?

Charter is dated 30th July, in the 8th year of the reign of James 1.

A Return pointing out the Extent of their Pecuniary Jurisdiction; how it is enforced, and what Description of Cases are tried?

This court can only recover 40*s.*, late Irish currency. There is power to seize the defendant's goods and chattels, by decree obtained at court. The cases tried are in general for oats, oatmeal, for pigs sold, groceries, shop goods of different kinds, tradesmen's and labourers' wages, small rents, linen yarn, potatoes, hay, &c.

A Return pointing out the Extent of their Power with regard to Imprisonment?

This charter gives no power to imprison.

The Number of Persons imprisoned under their Decree?—None imprisoned.

Also, to state whether the Prison be one of Peculiar Jurisdiction?

There is a bridewell attached to the sessions-house, the place where this court is held.

A Return stating whether Power of Distress exists, and how it is levied?

There is power to distrain the defendant's goods, and levied by a decree obtained at the court; but this has never been done, as the amount has been always paid.

A Return of the Number of Courts held in each Year, beginning from the 31st day of December 1833?

Twelve courts are held in each year.

The Number of Courts adjourned for Non-attendance of Jurors, or other causes?

One adjournment, it being time of assizes.

The Number of Cases entered for Trial?

No cases entered but those tried; all cases settled before the court-day, no entry is made of them.

The Number of Cases tried?

The number of cases tried from 31st December 1833 to 31st March 1837 is 67. I find, in general, that not more than one case out of every 20 processes or summonses issued comes to trial, but is settled before the court day.

The Number of Appeals from Decrees, stating how many were tried, and how many Decrees were reversed.

No appeals from decrees.

A Return of the Fees charged, the Sums recovered, and the Amount of Costs during the same period?

There is 5*s.* 6*d.* charged on each decree. The amount recovered for the plaintiffs for three years, ending 31st March 1837, 50*l.* 3*s.*; amount of fees received, in same period, 15*l.* 1*s.*

A Return of such Courts the Seneschal or Stewards of which are Members of any and what Legal Profession, or Justices of the Peace?

No legal profession, nor justice of the peace; is under-agent to the Earl of Gosford.

Markethill, 10 April 1837. *John Mitchell*, Seneschal.

MANOR OF DRUMORGAN.

QUERIES.—1. What is the Jurisdiction over which the Court extends?

Manor of Drumorgan.

Jurisdiction is exercised over the following townlands, viz.: Ballygrewbenny, Ballynewry, Caramoney, Cornicrew, Corry, Demesne of H. Bawn, Derrynought, Derryraine, Drumbeebeg, Drumbeecross, Drumbeemore, Drumfergus, Drumgaw, Druminnis, Drummond, Drumorgan, Drumnagloy, Drumsavage, Drumshallawn, Garvagh, Johnstown, Killeen, Killicopple, Killirudden, Lattery, Letmacollum, Lennalea, Magherdogherty, Mecantrim, Mullabawn, Outlack, Retarnell, The Rocks.

2. What is the greatest Distance of any Place within such Jurisdiction from the ordinary place of holding the Court?

About two miles and a half.

3. What is the Date of the Patent?

The 13th of August, in the 5th year of the reign of Charles 1.

4. What is the Extent of Pecuniary Jurisdiction?—Two pounds sterling.

5. How is it enforced?—By sale of defendant's goods.

6. What is the Description of Cases tried?

Cases for the recovery of debts under 2*l.* sterling.

7. What is the Extent of Power with regard to Imprisonment?

None exercised; although the patent or charter authorizes trial for petty larceny, misdemeanors, &c., within the manor.

8. What

8. What Number of Persons have been imprisoned under the Decree of the Court?
None.

9 Is the Prison one of Peculiar Jurisdiction?—None.

10. Does the Power of Distress exist, and how levied?
It exists under the decree of the court, and is levied by the sale of defendant's goods.

11. What Number of Courts have been held since the 31st of December 1833?
In 1834, 12; 1835, 12; 1836, 12; and four in 1837.

12. How many Courts have been adjourned from any cause?—None.

13. How many Cases entered for Trial?
In 1834, 50; 1835, 45; 1836, 40; 1837, 44.

14. How many tried?—In 1834, 36; 1835, 27; 1836, 29; 1837, 24.

15. How many Appeals?—Three.

16. How many Decrees were reversed?—One.

17. What Fees have been charged?
Five shillings and sixpence each on all decrees and dismisses; 2 *s.* each on cases that are nilled; and 1 *s.* each for the seneschal's signature to all appeals and distringases.

18. What Sums recovered?
In 1834, 36 *l.* 4 *s.* 6 *d.*; 1835, 25 *l.* 7 *s.* 7 *d.*; 1836, 23 *l.* 3 *s.* 1 *d.*; 1837, 22 *l.* 8 *s.* 1 *d.*

19. What is the Amount of Costs received since the 31st of December 1833?
About 71 *l.* 12 *s.* 6 *d.*, including 1 *s.* each upon an average number, say 20 monthly, signed by the seneschal prior to the court day, and subsequently settled without going to trial; and also including 1 *s.* each on appeals and distringases, also signed within that period.

20. Is the Seneschal a Member of any and what Legal Profession, or Justice of the Peace?
Is not a member of any such profession; neither is he a justice of the peace.

Drumfergus, near Markethill,
17 April 1837.

William Martin, Seneschal.

MANOR OF DRUMBANAGHER.

Manor of Drumbanagher.

THE Places over which the Jurisdiction of each Court extends, and the greatest Distance of any place within such Jurisdiction from the ordinary place or places of holding such Court?
The jurisdiction of this court extends over the following townlands: Carrickbrack, Demone, Drumbanagher, Killabodagh, Kilree, Lissumnou, Skigatallagh, Killmonaghan, Lissadean, Knockduff, and Serce. The greatest distance of any of the above places from where the court is held is about three miles.

A Return of the Dates of Patent or Charters granted to such Court?
The clerk of the peace could not give me the date of the charter of this court.

A Return pointing out the Extent of their Pecuniary Jurisdiction; how it is enforced, and what Description of Cases are tried?
This court can only recover 40*s.* late Irish currency. There is a power to seize the defendant's goods and chattels by decree obtained at court. The cases tried are in general for oats, oatmeal, for pigs sold, groceries, shop goods of different kinds, tradesmen's and labourers' wages, small rents, linen yarn, potatoes, hay, &c.

A Return pointing out the Extent of their Power with regard to Imprisonment?
The charter gives no power to imprison.

The Number of Persons imprisoned under their Decree?—None imprisoned.

Also, to state whether the Prison be one of Peculiar Jurisdiction?
There is no prison in this manor.

A Return stating whether Power of Distress exists, and how it is levied?
There is power to distrain defendant's goods and chattels, and is levied by a decree obtained at the court; but this has never been done, as the amount has always been paid.

A Return of the Number of Courts held in each Year, beginning from the 31st day of December 1833?
Twelve courts are held in each year.

The Number of Courts adjourned for Non-attendance of Jurors, or other causes?
One adjournment, the seneschal being from home.

The Number of Cases entered for Trial?
No cases entered but those tried; all cases settled before the court day, no entry is made of them.

The Number of Cases tried?
The number of cases tried from 31st December 1833 to the 31st March 1837 is 41. I find, in general, that not more than one case out of every 20 processes or summonses issued comes to trial, but is settled before the court day.

Appendix (A.)

ARMAGH.

Manor of Drumbanagher.

The Number of Appeals from Decrees, stating how many were tried, and how many were reversed?

One appeal in 1836, which was confirmed before the going Judge at last assizes in Armagh, in March 1837.

A Return of Fees charged, the Sums recovered, and the Amount of Costs during the same period?

There is 5*s.* 6*d.* charged on each decree. The amount recovered for plaintiffs for three years ending the 31st March 1837, 28 *l.* 1*s.* 11 *d.*; amount of fees received in same period, 9 *l.* 3 *s.*

A Return of such Courts the Seneschal or Stewards of which are Members of any and what Legal Profession, or Justices of the Peace?

No legal profession, nor justice of the peace; is under-agent to the Earl of Gosford.

Markethill, 10 April 1837. *John Mitchell*, Seneschal.

MANOR of KERNAN.

Manor of Kernan.

SPECIFYING the Places over which the Jurisdiction of each Court extends?

The jurisdiction of this court extends over the following townlands, viz.: Ballinacorr, Bocomra, Balteagh, Clanrole, Crossmacaghelly, Drumgorr, Drumnagoon, Karn, Kernan, Knock, Knockmena, Lyle, Lisnamintry, Lisniskey, Moyraverty, Sego, Tamnaficarbet, Tamnafiglassen, and Tarson; containing 3,495 acres.

The greatest Distance of any Place within such Jurisdiction from the ordinary place or places of holding such Court?

From one mile to one and a half miles.

A Return of the Dates of Patents or Charters granted to such Courts?

By letters patent, dated 4th September, 6 Charles 1.

The Extent of their Pecuniary Jurisdiction?

Two pounds Irish, or 1 *l.* 16 *s.* 11 *d.* British currency.

How is it enforced?—By decree against the goods only

What Description of Cases are tried?

Book debts, contracts and agreements for goods sold and delivered, and for money had and received, &c.

The Extent of their Power regarding Imprisonment?—None.

The Number of Persons imprisoned under their Decree?—None.

Whether the Prison be one of Peculiar Jurisdiction?—No prison.

A Return, stating whether the Power of Distress exists, and how it is levied?

By distringas, on an affidavit made by plaintiff.

The Number of Courts held in each Year, beginning from the 31st December 1833?

My appointment bears date the 25th December 1833. I held my first court leet the 6th of May 1834, and my first court baron on the 29th May 1834; on the 3d July my court baron was held pursuant to the statute, and since that time, by adjournment monthly, I have had 26 courts baron during said period.

The Number of Courts adjourned for Non-attendance of Jurors or other cause?

Three adjournments (no cases) up to 5th January 1837.

The Number of Cases entered for Trial?— Ninety-seven.

The Number of Cases tried?—Seventy-one.

The Number of Appeals from Decrees?—None.

How many were tried?—None.

How many Decrees were reversed?—None.

A return of Fees charged?—Fees pursuant to the statute 25 Geo. 3, c. 44, s. 8.

The Sums recovered?—£. 66. 9*s.* 10 *d.* from the 6th May 1834 to 23d March 1837.

And the Amount of Costs during same period?

Five shillings and sixpence are the costs that uniformly follow the decree, but not paid unless amount levied. Two shillings, in most cases, is the amount of costs the defendant has to pay, provided he settles before the decree issues; therefore 16 *l.* 17*s.* 11 *d.* is the amount of costs I have received.

A Return of such Courts the Seneschal or Stewards of which are Members of any and what Legal Profession, or Justices of the Peace?

The seneschal is not a member of any legal profession, but is a justice of the peace for the county in which this manor is situate; was a solicitor and attorney of all the superior courts for 14 years.

Mark M'Murray, Manor Bailiff.
Charles Hunt, Seneschal.

I certify that the foregoing return is correct. *Robert Wilson*, Register.

Appendix (A.)

ARMAGH.

Manors of Mountnorris, and Derrycrew and Drumilly.

MANORS OF MOUNTNORRIS, AND DERRYCREW AND DRUMILLY.

IT was only in the beginning of the year 1836, that I became seneschal of the following courts, which are held as under; and after strict examination after the charters for holding said courts, I find them to be nearly as follow. I preside over two courts, viz., one for the manor of Mountnorris, and one for the manors of Derrycrew and Drumilly, being a joint one.

The date of the charter for Derrycrew and Drumilly:—It was made 5 Charles 1, 1629, to Anthony Cope, esq., and that of Mountnorris, in the 16th year of the reign of James of England. The former embraces the property of Arthur Cope, esq., descendant of said Anthony, and other townlands, not in all distant more than four miles from the town of Loughall, where said court is held, and is confined for the recovery of small debts, not exceeding 2 *l.* then Irish currency; and upon decree the same to be levied off the goods of the defendant, having no power over the body.

The charter to Mountnorris extends no farther, and is used in a similar way. The courts are held monthly in each, and a court leet held every half year in each, for the purpose of settling minor matters among the tenantry of Mr. Cope, on both properties.

As I am but shortly appointed to the office, of course I am not prepared to show the effects of former proceedings in these courts.

John Thompson, Seneschal.

MANOR COURTS OF TOAGHEY.

1. Present Lords of Manors.	2. Extent of Jurisdiction.	3. Greatest Distance from Place of holding Manor Courts.	4. Date of Patent or Charter.	5. Extent of Pecuniary Jurisdiction.	6. How it is Enforced.	7. Description of Cases tried.	8. Power of Imprisonment.	9. Number of Persons Imprisoned under Decree.	10. Prisons of Peculiar Jurisdiction.	11. Power of Distress and Manner of Levying.	12. Number of Courts held in each Year from 31st December 1833.
The Provost and Fellows of Trinity-college, Dublin.	49 townlands, 28 of which are in Keady district, and 21 in the district of Killylea.	- - about three Irish miles.	- - 26th July, in the 16th year of the reign of Jas. I. of England, and 6th of Scotland.	- - 5 *l.* Irish, or 4 *l.* 12 *s.* 3½ *d.* British.	- - by decree authorizing the sale of the goods and chattels of defendant.	Actions for debt.	none	none -	none -	- - by Seneschal's warrant, when decree is granted, and sale of defendant's goods.	Keady: 1834 - 4 1835 - 6 1836 - 5 Killylea: 1834 - 5 1835 - 4 1836 - 4

13. Number of Courts Adjourned.	14. Number of Cases Entered for Trial.	15. Number of Cases Tried.	16. Number of Appeals from Decrees.	17. Number Tried.	18. Number Reversed.	19. Amount of Fees Charged.	20. Sums Recovered.	21. Amount of Costs.	22. Seneschal or Steward.
Two; in consequence of the illness of seneschal.	Keady: 1834 - 18 1835 - 53 1836 - 31 Killylea: 1834 - 14 1835 - 18 1836 - 13	Keady: 1834 - 18 1835 - 53 1836 - 31 Killylea: 1834 - 14 1835 - 18 1836 - 13	- - three cases within the last three years.	three -	one -	- - for every printed process signed, *s.* *d.* with copy - 1 - Entering same for trial - 3 6 Filling and service - 1 - 5 6	- - All sums for which decrees are granted, amounting in three years to 92 *l.* 11 *s.* 2 *d.* in Keady; and to 61 *l.* 19 *s.* 5 *d.* in Killylea.	- - attachments issued only on the affidavit of the plaintiff that the defendant is likely to remove his goods out of the manor; costs 5 *s.*	- - the seneschal of this manor for a great number of years has been a magistrate; the present seneschal a magistrate, namely, Henry Leslie Prentice, esq.

Henry L. Prentice, Seneschal, and J. P. of Tyrone and Armagh.

COUNTY OF CARLOW.

CARLOW.

Manor of Carlow

MANOR OF CARLOW.

THE manor court of Carlow was created by letters patent, in the 2d year of the reign of James the First; its jurisdiction extends into a portion of the Queen's County, about three miles in circumference, including the village of Graigue in said county, and which is connected with the town of Carlow by a bridge over the river Barrow; also extends about four miles round said town of Carlow, in that county, in which town the manor court was always held. I was appointed seneschal to the manor of Carlow by Benedict Hamilton, esq., lord of the manor, on the 31st day of January 1833, and held but one court. In consequence of a great lapse of time having taken place since the court was in use, and only

Appendix (A).

ARMAGH.

Manor of Carlow.

one case was that day tried, and so much opposition being put in, I thought it advisable not to persist further for the present. The amount of jurisdiction is 9 *l.* 4 *s.* 7 *d.*; decrees either against the body or goods; the county gaol of Carlow is the prison. I am a solicitor and a proctor of the diocese of Leighlin.

Thomas Crawford Butler,
Seneschal.

Rose Hill, Carlow, 8 April 1837.

COUNTY OF CAVAN.

CAVAN.

Manor of Bailieborough.

MANOR OF BAILIEBOROUGH.

THE jurisdiction of this court extends only to the manor, and the greatest distance of any place of the jurisdiction does not exceed three miles from the place the court is held, and in other places it does not extend half a mile from it. I have not been able to give the date of the patent, having lodged a copy of it with the clerk of the peace for the county; seeking for its date has been the cause of my delay in returning answers to the queries of the Committee. £.2. Irish is the extent of amount sued for; sums are all recoverable by decree against goods alone, and never by personal arrest; all descriptions of debts, to the above amount, may be sued for in the court; the court sits once every three weeks, if required; five or six cases are usually entered for trial every court day, and generally about two parts of them settled before going to trial; there have been no appeals in my time; the fees of the court are 5 *s.* 6 *d.* I follow no profession, and am not a justice of the peace.

Edward Mahaffery,
Seneschal.

Becks Court, Bailieborough, 21 April 1837.

Manor of Castle Kilagh, Clonkyne and Cortubber.

MANOR OF CASTLE KILAGH, CLONKYNE AND CORTUBBER.

GRANTED by patent of King Charles the First, dated 17th June, in the seventh year of his reign.

Extent of pecuniary jurisdiction, 40 *s.*

Enforced by process and decrees against the goods, for although the seneschal has the power to issue decrees against the person, it has not been found necessary to resort to this remedy; the committal, if resorted to, would be to the county gaol.

Power of attachment of goods exists, but is never resorted to, unless upon affidavit that the party against whom the attachment is sought is about to abscond or to remove his goods out of the jurisdiction of the court.

The ordinary course of proceeding is by summons, stating the names of the parties, the nature of the demand, its amount, &c. &c., as in the civil bill court.

The fees are as follows:

	s.	*d.*
On issuing process	1	–
On service of ditto	–	6
Entering ditto for trial	2	–
Decree	2	–
Total Costs	5	6

Pursuant to Act of Parliament.

The extent of jurisdiction of the court was given in a late Return.

A Table of Returns is hereunto annexed:

DATES.	Courts held.	Courts adjourned.	Cases entered for Trial.	Cases Tried.	Appeals.	Decrees reversed.	Amount of Sums Recovered.	Amount of Costs.
							£. s. d.	*£. s. d.*
From 31 Dec. 1833 to 1834	9	none	58	58	none	none	51 10 3	13 15 –
— 1834 to 1835	7	none	38	38	1	none	20 16 5½	7 8 6
— 1835 to 1836	6	1	30	30	none	none	21 12 10½	7 19 6
From 31 Dec. 1836 to 1 April 1837.	2	1	8	8	none	none	3 8 5½	1 18 6

13 April 1837.

William Berry, Seneschal.

MANORS OF CHICHESTER AND MONTERCONNAUGHT.

Manors of Chichester and Monterconnaught.

THE townlands over which the jurisdiction of the above court extends are as follows; viz. Behernagh, Carrick, Corronagh, Crossphain, Ballaghdorragh, Crohan, Eighter, Knocknavay, Knocktemple, Knocknagarten, Lurganboy, Island, Ryefield, Fartagh, Carrickmacsimon, Cloughballys, Lislea, Enagh, Ballaghaned, Cloughergool, Cornasesk, Killekeen, Rahardrum, Crandellan, Dunankry, Cornaslieve, Cleggan, Dremgord, Lisnafand, Virginia, and the four poles of Edenburt.

The town of Virginia, where the court is held, is nearly central to the above townlands or places, and the greatest distance from thence to the farthest extreme points of said townlands is about four miles, late Irish measure.

The patent for the above seneschal's court bears date the 9th day of February, in the eighth year of the reign of King James the First.

The extent of the pecuniary jurisdiction of this court is for any sum under 40*s.* late Irish currency, due for any description of property, or wages contracted for in the manors, which is enforced by a decree of this court, which is levied by seizing the goods or property of defendant, which decree or distress is made (under said decree) by a proper bailiff, appointed by the seneschal.

The jurisdiction of this court extends only to the seizure and sale of goods of defendants, and not to personal arrest or imprisonment. Power of distress exists in this court, and is levied by a decree of the court, obtained by plaintiff before the seneschal and 12 sworn jurors, on the goods of defendants.

There are 17 courts held in each year, that is once in every third week. There is no adjournment of court for non-attendance of jurors, or other cause.

There have been 232 cases entered for trial since 31st December 1833, and 21 of said cases have been tried, for which there were 16 decrees and 5 dismisses obtained. There were no appeals from any of the decrees of this court whatever.

Amount of fees and costs charged by this court on each decree and dismiss respectively is 5*s.* 11½*d.*; and amount of sums recovered by said 16 decrees was 10*l.* 6*s.* 5*d.* sterling, and costs of each decree. Total amount of decrees, 4*l.* 15*s.* 4*d.*; of dismisses, 1*l.* 9*s.* 9½*d.*: in all, 6*l.* 5*s.* 1½*d.*

I am deputy seneschal of this court, under the Most noble the Marquess of Headfort. I am of no legal profession, or justice of the peace.

Virginia, 1837. *Patrick Denny*, Seneschal.

MANOR OF CORANARY.

Manor of Coranary.

THE date of the patent is very old, but at this moment I cannot lay my hand on it; but I think it was lodged with the late clerk of the peace for the county of Cavan, at the time I passed security, in July 1827, when, according to Act of Parliament, I was appointed a second time by the lord of the manor; my first appointment is about 20 years since.

This court has not processed or distrained for any sum exceeding 1*l.* 19*s.* 11½*d.*, which when decreed, allowed one month for payment, or more if the seneschal shall think fit.

No power of imprisonment.

Twelve courts in each year.

No case for 20 years of adjournment for want of jurors, and very few from any other cause, probably two or three in the year, and only one for the last two years. The number of cases entered for trial from 10 to 20. Each court generally from four to ten cases tried. Not one appeal for the last 20 years.

The sum charged for a process is 2*s.*; and if it comes to trial, 1*s.* for the jury and 2*s.* 6*d.* for the seneschal.

I am a magistrate, for the last 16 years, of the county of Cavan.

The sums are generally small debts incurred in the manor.

Cashill-house, near Cootehill, 22 April 1837. *George Fowell.*

Appendix (A.)

CAVAN.

Manor of Guyllymbrook.

MANOR OF GUYLLYMBROOK.

PLACES over which the Court extends.	The greatest Distance of any Place from the place the Court is held.	Date of the Patent or Charter.	Extent of Pecuniary Jurisdiction, and how enforced.	What description of Cases tried.	Power with regard to Imprisonment.	Whether Power of Distress exists.
Doon, otherwise Ballyconnell, Derryguinuy, Canamore, Snugburron, Mullinacre, Mullacghran, Moher Cross, Lihernahone, Gortorlin, Mucklaugh, Gortaneddan, Gortmullin, Carrickaluse, Clincoohy, Knox, Scotchtown, Rakeelan, Collilihan, Aughersakilla, Cavans, Mullaughduff, Corrinearnan, Cullaghan, Coraquil, Annagh Knorategal, Gortahurk, Tonneymore, Aughowley, Gortaree, Aughindizart, Derrintonney, Derryart, Gorwinau, Ummerray, Aughram, Cranaghan.	- About 2½ miles.	Not known	£. s. d. 1 16 10½ British; enforced on a decree by a verdict of 12 jurors.	- Some on securities, others for wages or small debts.	- No power to imprison.	- - It exists under the decree of the seneschal, and under which it is levied.

Number of Courts held in each Year since 31st December 1833:

There has not been any court held for the last four years, as there was not business. The quarter sessions are frequent in this division of the county, and are held twice each year in Ballyconnell (where the manor court was held), and the facility this affords to recover sums of small as well as large amount, has removed the business formerly done at the manor court to the quarter sessions: this is considered an answer to the queries that follow in the order of the House of Commons. The seneschal is not a member of any legal profession or a magistrate.

B. Beneson, Seneschal.

MANOR OF TULLYVIN.

Manor of Tullyvin.

THE following townlands, situate in the barony of Tullygarvey, county Cavan, constitute the manor of Tullyvin:—Tullyvin, Dromnegran, Ralvodan, Claragh, Cabbragh, Enigal, Drumherk, Aughatotan, Corick, Drumleague, Gorteen, Dromsillagh, Corgreagh, Dromnetraid, Ratorassan, Tieveneass, Aughnaglogh, Coravoggy, Cornamcahir, Cornacarron, Analee, Dromhose, Dromartin, Tullyard, Dromelton, Cornanurny, Lehin, Tonnyinn, Dromcarley, Cordogh and Cullen.

The greatest distance of any place within the jurisdiction of the manor of Tullyvin is Tieveneass, a distance of four miles from the place of holding the manor court.

The patent for holding the manor court was granted in the eighth year of the reign of James the First, to Archibald Moor and Brent Moor, and their heirs for ever.

Proceedings taken in said court were by civil bill, and the amount of decrees and dismisses was levied by distress and sale of goods; no power to arrest the person.

No court held since the 31st December 1833 to the present day, in consequence of the death of the late James Moore Boyle, esq., the late lord of the manor; the present lord of the manor, Maxwell James Boyle, esq., not wishing same to be held. The courts prior to his death were regularly held on the first Monday of the month.

Several cases tried each court day. Costs charged were 5*s*. 11½*d*. on each decree pronounced. No adjournment of courts, nor no appeals from the decision of the court ever tried or lodged since the year 1820, the time I was appointed to the office of seneschal of said manor. Am of no legal profession, nor justice of the peace. Given under my hand, at Tullyvin, this 11th day of April 1837.

Samuel Martin, Seneschal.

COUNTY OF CLARE.

CLARE.

MANOR OF BUNRATTY.

Manor of Bunratty.

FROM Bunahow to Bunratty, 24 miles.

Patent dated 19th January, 18 James 1.

Extent of jurisdiction is 10*l*.

Causes are tried to the above amount for debt and assumpsit, and also wages, trespass, promissory notes and other memorandums passed by defendant to plaintiff.

This manor does not try for any cause or other than as above, or has any power of imprisonment.

Courts have always been held between a month and six weeks, depending on circumstances.

Number

Appendix (A.)

CLARE.

Number of courts held :

From 31st December 1833 to 31st December 1834 - - -	31
— to 31st December 1835 - - -	23
— to 31st December 1836 - - -	19

Manor of Bunratty.

No court has ever been adjourned on account of non-attendance of jurors, or other causes, except the general assizes interfere.

Number entered for trial in 1834 - - - - - - -	327
— in 1835 - - - - - - -	293
— in 1836 - - - - - - -	147
Number tried in 1834 - - - - - - - - -	298
— in 1835 - - - - - - - - -	260
— in 1836 - - - - - - - - -	140
Number of appeals in 1834 - - - -	none, or mislaid.
— in 1835 - - - - - - - -	2
— in 1836 - - - - - - - -	2
Number tried in 1835 - - - - - - - -	1
— in 1836 - - - - - - - -	1

Return of fees charged ; viz.	*s.*	*d.*
For entering each process - - - - - - -	1	–
For each decree signed and granted - - - - - -	2	6
For each dismiss ditto - - - - - - - -	2	6
For each appeal - - - - - - - - -	1	–
For entering each case under 2 *s.* 7 *d.* - - - - -	–	6

The seneschal of this is not of any profession, nor is a justice of the peace.
Patent states that courts shall be held from three weeks to three weeks.

William O'Brien, Seneschal.

MANOR OF CASTLEBANK.

Manor of Castlebank.

THE jurisdiction of this manor extends over the following places :—The town and lands of Ballycannane East, Ballycannane West, Knockballyfineen, Cappanagrassane, Castle Banks, Poliquin, otherwise Quinpoole, Knockilisheen, Parteen, Ballykellane, Blackwater, Rossmadda, Ballyglass, Ballynemeatagh, St. Thomas's Island, Ardnacrusha, Bowowen, Lorigy, Glaulon, Dromin, Colenelira, Trough, Kilmahulla, Gortcloheragh, Ballycare, Glonnegrosse, Parkroe, Annaghleeg, Derryfadda, Rough, Cloughera, Knockroe, Clountra, Mount Rice, Knockdonugh, Cappahanagh, Derryvinane, Meanagh, Conselreagh, Lackhile, Shannakile, Rhenabrone, Troopersbush, Clounoughter, Firhill, Cappantimore, Cooldera and Atherina.

The greatest distance of any of said places from the ordinary place of holding the court is not more than four miles.

Date of patent, 19th January, 18 James 1.

Pecuniary jurisdiction extends to any sum not exceeding 10*l.*; which is enforced by distress and sale of goods, under a decree of the court.

The description of cases tried are, for money due by bill, promissory note, I. O. U.'s, contracts, goods sold and delivered, book account.

There is not any power of imprisonment.

All decrees are issued against goods of the defendant and are levied by distress, which being impounded, are sold by the marshal of the manor, after due notice served on the defendant, unless they are released.

The present seneschal was not appointed until October 1835 ; since which period he has held 14 courts, viz. 10 in the year 1836, and 4 in this present year.

There has not been any court adjourned for want of attendance of jurors, or other cause.

Since my appointment, I have issued 393 processes and summonses.

Fifty-eight cases were entered for trial ; 52 of which were tried, 4 settled out of court, and 2 adjourned in consequence of the absence of witnesses. Three appeals were lodged from my decrees, one of which was tried and decree reversed.

The fees charged vary according to the sum decreed ; the full costs against a defendant on a sum from 1*l.* to any sum under 10*l.* being 5*s.* 6*d.*, which includes cost of process, &c. And on all small sums the costs of decree vary from 1*s.* to 2*s.* 6*d.*, according to amount of sum decreed, which includes costs of summons, entry and decree. The seneschal need not accept these small sums as fees, being entitled under the Act of Parliament to charge full fees, namely, 5*s.* 6*d.* on every case; but he considers it would be a hardship imposed on the poor people to make such charges in cases of small debts, and the benefits and advantages intended to be derived from manor courts by the suitors frustrated.

The sums recovered since my appointment amount to 73*l.* 14*s.* 2*d.* The costs since my appointment, upon the sale of processes, decrees, &c., amount to 24*l.* 10*s.* 6*d.*

I am a solicitor of the Court of Chancery in Ireland, and an attorney of the superior courts.

George Gloster, jun.,
Seneschal.

Limerick, 5 April 1837.

Appendix (A.)

CLARE.

Manor of Clonroad.

MANOR OF CLONROAD.

FROM Clare to Forower, 14 miles.

Patent dated 19th January, 18 James 1.

Extent of jurisdiction is 10*l.*

Causes are tried to the above amount for debt and assumpit, and also wages, trespass, promissory notes, and other memorandums passed by defendant to plaintiff.

This manor does not try for any cause or other than as above, or has any power of imprisonment.

Recollects to have committed once, some years ago, a person to Ennis gaol, for a few hours, for rioting in the court-house, being drunk, and insulting and disrespectful to the seneschal, when sitting in court.

Courts have always been held between a month and six weeks, depending on circumstances.

Number of courts held:

From 31st December 1833 to 31st December 1834 - - -	26
— to 31st December 1835 - - -	23
— to 31st December 1836 - - -	21

No court has been adjourned on account of non-attendance of jurors, or other causes, except the general assizes interfere.

Number entered for trial in 1834 - - - - - - -	256
— in 1835 - - - - - - -	212
— in 1836 - - - - - - -	191
Number tried in 1834 - - - - - - - - -	250
— in 1835 - - - - - - - - -	198
— in 1836 - - - - - - - - -	185
Number of appeals in 1834 - - - -	mislaid, or none.
— in 1835 - - - - - - - -	10
— in 1836 - - - - - - - -	11
Number tried in 1835 - - - - - - - -	4
— in 1836 - - - - - - - -	6
Number reversed in 1835 - - - - - - -	1
— in 1836 - - - - - - - -	2

Return of fees charged; viz.

	s.	*d.*
For entering each process - - - - - - -	1	—
For each decree signed and granted - - - - - -	2	6
For each dismiss ditto - - - - - - - -	2	6
For each appeal - - - - - - - - - -	1	—
For entering each case under 2*s.* 7*d.* - - - - - -	—	6

The seneschal of this court is not of any profession, nor is a justice of the peace.

Patent states that courts shall be held from three weeks to three weeks.

William O'Brien, Seneschal.

MANOR OF CROVREAGHAN.

Manor of Crovreaghan.

FROM Kildysart to Termontenan, 25 miles.

Patent dated 19th January, 18 James 1.

Extent of jurisdiction, 10*l.*

Causes are tried to the above amount for debt and assumpsit, and also wages, trespass, promissory notes, and other memorandums passed by defendant to plaintiff.

This manor does not try for any cause or other than as above, or has any power of imprisonment.

Courts have always been held between a month and six weeks, depending on circumstances.

Number of courts held:

From 31st December 1833 to 31st December 1834 - - -	31
— to 31st December 1835 - - -	26
— to 31st December 1836 - - -	21

No court has ever been adjourned for non-attendance of jurors, or other causes, except the general assizes interfere.

Number entered for trial in 1834 - - - - - - -	578
— in 1835 - - - - - - -	491
— in 1836 - - - - - - -	401

Number

Manor of Crovreaghan.

Number tried in 1834	564
— in 1835	485
— in 1836	397
Number of appeals in 1834	mislaid, or none.
— in 1835	4
— in 1836	3

None tried.

Return of fees charged; viz.	*s.*	*d.*
For entering each process	1	–
For each decree signed and granted	2	6
For each dismiss ditto	2	6
For each appeal	1	–
For entering each case under 2 *s.* 7 *d.*	–	6

The seneschal of this court is not of any profession, nor is a justice of peace.

Patent states that courts shall be held from three weeks to three weeks.

William O'Brien, Seneschal.

MANOR OF DOONASS.

Manor of Doonas.

FROM Six-Mile Bridge to Clonfadda, 15 miles.

Patent dated 19th January, 18 James 1.

Extent of jurisdiction is 10 *l.*

Causes are tried to the above amount for debt and assumpsit, and also wages, trespass, promissory notes, and other memorandums passed by defendant to plaintiff.

This manor does not try for any cause or other than as above, or has any power of imprisonment.

Courts have always been held between a month and six weeks, depending on circumstances.

Number of courts held:

From 31st December 1833 to 31st December 1834	31
— to 31st December 1835	23
— to 31st December 1836	19

No court has ever been adjourned for non-attendance of jurors, or other causes, except the general assizes interfere.

Number entered for trial in 1834	1,044
— in 1835	947
— in 1836	714
Number tried in 1834	1,032
— in 1835	921
— in 1836	701
Number of appeals in 1834	none, or mislaid.
— in 1835	10
— in 1836	16
Number tried in 1835	1
— in 1836	2

Return of fees charged; viz.	*s.*	*d.*
For entering each process	1	–
For each decree signed and granted	2	6
For each dismiss ditto	2	6
For each appeal	1	–
For entering each case under 2 *s.* 7 *d.*	–	6

The seneschal of this court is not of any profession, nor is a justice of the peace.

Patent states that courts shall be held from three weeks to three weeks.

William O'Brien, Seneschal.

MANOR OF ENNISTIMON.

Manor of Ennistimon.

FROM Liscannor to Ennistimon, five miles.

Patent dated 19th January, 18 James 1.

Extent of jurisdiction is 10 *l.*

Causes are tried to the above amount for debt, and decrees are enforced by seizing on and sale of debtor's personal property.

Appendix (A.)

CLARE.

Manor of Ennistimon.

Causes tried by the court are debt, assumpsit, and also promissory notes, wages, trespass, or other memorandums passed by defendant to plaintiff.

This manor does not try for any cause or other than as above, or has any power of imprisonment.

Courts have always been held between a month and six weeks, depending on circumstances.

Number of courts held:

From 31st December 1833	to 31st December 1834	15
—	to 31st December 1835	13
—	to 31st December 1836	12

No court has been adjourned on account of non-attendance of jurors, or other causes, except when the general assizes interfere.

Number entered for trial in 1834	120
— in 1835	110
— in 1836	99
Number tried in 1834	104
— 1835	101
— 1836	91

No appeals in 1834, 1835, 1836.

Return of fees charged; viz.

	s.	*d.*
For entering each process	1	—
For each decree signed and granted	2	6
For each dismiss ditto	2	6
For each appeal	1	—
For entering each case under 2 *s.* 7 *d.*	—	6

The seneschal of this court is not of any profession, nor is a justice of the peace.

Patent states that courts shall be held from three weeks to three weeks.

William O'Brien, Seneschal.

MANORS OF INCHIQUIN, CORCOMROE, BURREN AND KILLONE.

Manors of Inchiquin, Corcomroe, Burren & Killone.

	Manor of Inchiquin.	Manor of Corcomroe.	Manor of Burren.	Manor of Killone.
Number of courts now held by Joseph Roughan, esq., seneschal of said manors, every month, in each manor, commencing from December 1833.	2	1	2	1
Distance of places over where jurisdiction of each manor court extends, and the distance of any place within such jurisdiction from the ordinary place of holding such courts.	Carrofin and Maurice's Mills, 6 Irish miles.	Kilshamy, 8 Irish miles.	Maly Clagh and Ballyvaugh, 7 miles.	Bealcraggy, 6 miles.
Pecuniary jurisdiction	over the greater part of the barony			rather limited.

Date of Patent?

7th March, 19 Charles 2. Date of my appointment, June 9, 1809. Patent very voluminous. No limit in patent as to sums to be recovered.

How jurisdiction is enforced?

By issuing process, signed by seneschal, for which signature seneschal is entitled to a fee of 1 *s.* each; from 5 *s.* to 10 *l.* late Irish currency; returnable the next court day, then tried by jury; if a verdict for plaintiff, costs on decree, 5 *s.* 6 *d.*; if dismissed, if attorney attends, 5 *s.* 6 *d.*; if no attorney, 3 *s.* 6 *d.* Seneschal's fee on decree, 3 *s.* 6 *d.*, exclusive of signature on process, 1 *s.* Summons for small sums to 5 *s.*: seneschal's fee, issuing, 5 *d.*; entry of same, 6 *d.*

Description of Cases tried?

Debts of every kind to the amount of 10 *l.* late Irish currency, due by account, &c. &c.; if by note, to 20 *l.* The amount of decrees levied by sale of goods, &c. &c., in the usual way, by the bailiff or marshal giving four days' notice from day of seizure. Sale in the manor. No decrees granted against body; no imprisonment; consequently no power of imprisonment.

Joseph Roughan, Seneschal.

A RETURN of Courts held every Year, from 31st December 1833 to March 1837.

Appendix (A.)

Clare.

Manors of Inchiquin, Corcomroe, Burren & Killone.

	Manor of Inchiquin.		Corcomroe.	Burren.		Killone.
	Carrofin.	Maurice's Mills.	Kilshamy.	Bally-vaugh.	Maly Clagh.	
1833 to January 1834 - -	–	–	–	–	–	
1834: January - - -	1	1	1	1	1	
February - - -	1	1	1	1	1	
March - - -	1	- adj. no business.	1	1	1	
April - - - -	1	1	1	1	1	
May - - - -	1	1	1	1	1	
June (seneschal sick) -	–	–	–	–	–	
July (same) - -	–	–	–	–	–	
August - - -	1	–	1	1	1	
September - - -	1	1	1	1	–	no business.
October - - -	1	session interfering.	1	1	–	session interfering.
November - - -	1	1	1	1	1	
December - - -	1	1	1	1	–	no business.
	10	7	10	10	7	Total - 44
1835: January - - -	1	1	1	1	–	
February - - -	1	–	1	adj.	1	
March - - -	1	–	–	1	1	
April - - -	1	1	–	1	1	
May - - - -	1	1	–	1	1	
June - - - -	1	–	1	1	1	
July - - - -	1	1	fever here	1	1	
August - - -	1	1	ditto	1	–	
September - - -	1	1	–	1	1	
October - - -	1	1	seneschal sick.			
November - - -	1	1	1	1	1	
December - - -	1	1	–	1	–	
	12	9	4	10	8	Total - 43
1836: January - - -	1	1	–	1	1	
February - - -	1	–	–	1	1	
March - - -	1	1	1	–	1	
April - - -	1	1	–	1	1	
May - - - -	–	1	1	–	–	
June - - - -	1	1	absent the rest of month on business.			
July - - - -	1	1	1	–	–	fever here.
August - - -	1	1	1	–	–	
September - - -	1	1	1	–	1	
October - - -	1	1	1	–	1	
November - - -	1	was in Dublin.				
December - - -	1	1	ill	ill	ill	
	11	10	6	3	6	Total - 36
1837: January - - -	1	1	1	–	–	
February - - -	1	1	–	1	1	
	2	2	1	1	1	Total - 7

No courts adjourned for non-attendance of jurors.
January 1834, one court adjourned; seneschal on business, absent.
Three courts not attended, 1835; seneschal sick.
Three not attended at Kilshamy, fever being prevalent there.
Four in 1836; seneschal on business, absent.
Cases entered for trial from 31st December 1833 to March 1837, before Joseph Roughan, esq., seneschal, 974, exclusive of petty actions.

Appendix (A.)

CLARE.

Manors of Inchiquin, Corcomroe, Burren & Killone.

Cases tried and decrees obtained for the same time, 830.

The seneschal kept no account of the appeals, but states, with truth, that there was not more than three appeals on an average every year tried. There may be a few more lodged to obtain time, but not proceeded on. Seneschal cannot state positively whether the appeals lodged to his decrees were reversed or affirmed, but recollects two reversals, one last assizes.

Fees to seneschal on appeals, 1 *s.*

If the seneschal prepares the recognizance, notices and certificates, he generally charges from 5 *s.* to 7 *s.* 6 *d.*

In many cases the attornies send appeals prepared before the cases are tried.

The seneschal of the manors of Inchiquin, Corcomroe, Burren and Killone, in the county of Clare, is not a justice of the peace, or any other profession; he begs to state, for the information of the Committee, that the signatures on processes and issuing of summonses for small debts to the amount of 5 *s.*, are the most profitable part of his emoluments.

10 April 1837. *J. H. Roughan*, Seneschal.

A RETURN of SUMS Recovered at the Manor Courts of Inchiquin, Corcomroe, Burren and Killone, from 31 December 1833 to March 1837.

£.	*s.*	*d.*	£.	*s.*	*d.*	£.	*s.*	*d.*	£.	*s.*	*d.*	£.	*s.*	*d.*	£.	*s.*	*d.*	£.	*s.*	*d.*
–	10	–	8	8	–	–	17	11	2	17	2	–	9	–	–	10	6	1	7	1½
2	8	10	2	10	–	1	2	1	–	14	11	8	11	5	–	17	–	–	19	1
1	2	4	1	3	3	2	17	–	1	7	–	–	7	3	8	5	–	–	11	4
1	–	–	–	7	8	1	17	6	1	1	2	1	7	2	–	12	–	1	4	11
5	5	–	1	3	–	1	12	–	3	4	–	–	9	2	6	9	6	–	17	6
–	8	–	7	16	9	4	2	7	1	18	8	1	2	6	9	4	–	2	10	–
1	1	–	2	4	5	–	11	–	9	9	–	–	12	1½	2	10	10	–	12	6
–	7	–	–	11	8	1	–	–	7	7	8	1	9	6	2	–	–	1	4	11
2	7	6	–	14	6	1	9	–	5	–	–	1	1	–	1	1	–	–	15	–
–	14	6	–	18	11	1	1	–	8	–	–	1	18	–	1	6	4	4	11	–
2	11	9	–	9	10	1	10	–	2	–	–	1	11	–	1	–	1	1	12	5
2	–	6	1	10	–	2	6	3	1	6	3	6	12	–	1	17	–	1	4	4
2	1	–	–	12	–	4	12	6	3	10	–	1	10	–	–	11	–	1	7	–
4	7	–	4	–	4	–	18	–	8	6	8	–	13	5½	–	9	6	2	7	7
1	14	1	2	2	–	1	3	–	1	15	–	–	7	2	1	4	–	4	11	–
1	12	9	2	19	–	1	2	–	–	6	–	–	12	10	–	7	–	–	14	4
–	7	3	2	19	–	1	–	–	1	4	–	–	10	9	4	18	9	1	–	–
–	11	6	3	1	1	–	16	8	–	6	9	–	19	7	1	7	–	–	16	4
1	4	–	5	13	9	1	10	7	–	17	–	–	8	7	–	16	–	2	6	–
9	–	–	–	18	8	–	11	8	–	15	–	–	13	6	–	14	6	–	12	6
–	6	10	2	17	8	–	11	6	–	16	–	2	1	6	–	9	6	1	10	–
2	–	8	2	2	–	–	19	6	1	1	–	–	13	6	–	8	6	2	5	–
1	1	10	8	–	–	–	14	11	–	12	–	1	14	1	–	9	4	1	3	–
7	18	10	4	11	–	1	6	–	–	10	–	1	5	6	–	6	–	–	18	8
7	–	–	2	7	–	2	1	–	–	16	2	–	14	9	–	15	–	–	12	6
1	14	4	2	1	6	–	6	9	3	9	3	1	–	–	–	7	–	1	11	10
1	14	1	1	12	6	1	2	7	–	10	1	2	–	–	1	10	–	–	11	4
4	11	–	4	11	–	1	7	–	1	5	–	6	–	–	2	–	–	–	5	8
3	4	–	4	2	–	3	19	6	1	–	–	–	13	9	2	7	5	3	–	–
2	3	–	2	6	–	2	–	–	4	10	–	–	14	8	2	–	6	1	1	3
1	10	–	–	17	4	1	4	–	2	6	–	–	12	5	–	6	7	1	3	–
1	5	7	2	17	1	–	10	8	–	15	–	1	–	–	1	3	–	6	6	–
1	3	7	2	3	4	–	15	2	–	11	–	–	12	6	1	6	–	–	13	6
–	18	–	3	14	9	–	17	7	–	16	3	–	11	6	–	11	6	–	13	6
1	–	–	5	17	–	4	10	–	4	7	6	1	17	–	–	7	6	–	6	2
1	–	11	–	6	–	–	17	8	1	4	–	–	10	6	5	6	7	1	16	6
1	10	–	1	14	–	1	16	6	–	13	6	–	5	–	2	5	7	2	17	6
–	19	3	1	19	6	3	4	–	–	13	1½	1	6	–	1	19	–	2	17	–
1	5	–	–	9	–	1	–	–	1	2	–	–	10	6	–	10	3	4	17	6
4	13	2	–	12	1	–	8	2	–	14	7	–	5	–	–	18	11	7	17	5
–	8	7	–	8	11	4	10	7	–	15	6	1	6	–	1	6	–	–	16	4
2	14	8	4	3	–	–	9	8	–	5	6	–	10	4	5	6	–	–	15	–
3	6	1	1	17	–	9	–	–	1	17	–	–	13	5	1	2	–	–	14	9
2	7	1	–	16	8	5	12	10	–	14	–	1	7	–	1	16	–	1	1	6
2	19	4	1	10	7	4	–	–	–	17	4	1	1	5	1	3	–	1	15	–
4	2	–	9	–	7	5	10	–	2	17	6	1	2	3	2	2	6	1	16	3
–	16	11	1	10	–	–	13	6	1	14	1½	–	11	–	1	–	6	–	11	–
–	10	–	–	18	–	–	7	6	3	6	8	6	8	–	–	9	–	–	15	11
2	3	6	5	16	–	1	2	10	2	16	11	3	–	–	1	4	–	–	13	6
5	6	3	3	6	–	1	15	–	9	–	–	1	5	9	–	13	4	–	16	4
1	–	–	2	1	6	–	8	5	2	10	–	1	19	2	1	8	–	1	2	6
1	17	4	2	6	8	9	–	–	2	5	11	1	7	6	1	5	–	4	11	–

Appendix (A.)

CLARE.

Manors of Inchiquin, Corcomroe, Burren & Killone.

£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
–	12	9	1	2	2	2	–	–	–	18	–	–	13	9	1	4	5	–	17	6
–	14	6	–	14	–	1	19	–	–	12	–	–	17	6	–	7	3	7	6	–
–	10	–	1	4	8	2	–	–	1	1	6	–	13	3	1	8	–	5	5	6
–	11	6	1	6	–	1	–	6	–	14	9	1	1	4	–	7	6	–	19	6
2	2	–	1	4	6	1	–	–	1	3	–	–	18	–	–	9	–	–	17	–
2	18	–	–	14	–	2	12	6	–	14	11	–	9	–	–	12	$8\frac{1}{2}$	1	11	–
–	12	6	–	12	6	3	17	–	–	6	$1\frac{1}{2}$	–	18	–	–	15	–	1	18	6
–	7	5	–	14	–	5	1	–	–	12	6	1	11	8	–	17	9	1	2	3
–	14	–	–	16	9	1	3	4	–	14	6	–	9	6	8	9	–	9	2	6
1	–	–	–	15	–	–	9	11	–	14	1	3	7	–	–	17	6	–	10	–
–	19	–	2	7	5	–	19	11	1	4	6	–	12	4	–	15	–	8	4	7
8	15	–	1	2	7	–	7	9	1	1	3	1	4	7	2	7	–	2	5	–
–	9	–	1	16	11	2	5	–	1	3	–	–	19	6	–	8	9	2	14	8
2	11	2	–	17	6	2	5	–	–	13	–	1	14	–	1	9	6	1	16	–
–	6	4	1	4	9	–	6	–	1	6	–	–	13	–	–	8	$1\frac{1}{2}$	–	12	–
–	14	–	1	1	–	–	14	6	1	6	4	–	5	7	–	11	3	1	14	3
–	13	–	2	–	–	1	4	6	–	15	5	–	8	–	1	9	1	5	–	–
–	14	–	–	13	5	–	8	–	–	13	$10\frac{1}{2}$	2	–	–	–	15	–	3	19	6
5	15	–	–	10	–	–	8	–	–	17	6	1	15	–	9	4	6	6	–	–
1	18	–	–	13	6	2	5	–	–	18	6	–	10	–	3	15	3	2	–	–
1	13	4	–	12	6	–	15	–	1	7	6	3	5	6	2	19	–	1	2	6
–	8	1	–	12	9	–	16	–	1	4	–	1	2	7	7	4	1			
–	12	–	1	6	–	1	10	–	1	7	7	–	16	6	7	4	1	–	9	9
–	13	6	3	12	6	–	15	–	4	6	4	1	2	9	2	–	–	9	4	6
–	12	–	1	3	4	9	4	6	–	17	4	–	11	–	9	4	–	–	17	6
–	13	6	1	2	–	9	4	6	–	8	8	1	1	6	–	14	10	8	10	–
–	13	7	–	15	2	1	12	–	1	10	–	–	14	6	–	10	–	–	10	6
4	–	–	3	3	6	–	12	7	3	–	–	–	9	4	7	–	–	–	6	–
–	16	6	–	11	7	–	16	–	1	–	–	–	13	10	2	14	–	–	6	6
1	16	3	–	10	7	1	6	–	2	7	3	–	8	–	5	–	–	7	17	3
8	15	–	–	17	6	1	1	–	4	6	6	–	6	6	–	14	3	1	–	–
1	7	2	–	17	6	1	3	11	1	7	–	–	10	6	–	16	4	–	15	–
1	11	–	1	16	–	2	2	6	1	–	–	2	17	3	2	–	–	2	4	10
2	11	–	1	6	–	–	11	6	–	14	11	–	6	1	–	14	2	1	1	–
3	–	–	–	16	11	–	12	7	1	3	–	–	10	8	–	8	8	–	13	1
1	2	–	–	17	6	–	17	6	1	3	–	1	3	8	2	7	–	1	1	5
1	1	–	–	14	6	–	14	4	2	2	8	8	2	3	–	17	–	3	6	–
1	–	–	2	16	10	1	10	–	1	2	9	4	7	8	2	14	–	6	5	3
2	2	6	2	5	–	1	10	–	–	10	9	1	–	–	2	19	6	1	5	3
–	8	6	–	16	–	–	13	4	1	14	7	1	1	6	2	–	–	–	12	$11\frac{1}{2}$
1	3	7	–	16	–	–	7	11	2	–	–	–	7	6	–	10	6	2	18	–
–	14	–	–	8	–	–	18	11	1	3	–	2	19	–	–	13	1	–	16	–
–	13	$10\frac{1}{2}$	–	8	9	–	14	4	–	7	8	2	11	9	–	6	–	6	5	3
–	12	7	–	16	–	–	16	–	–	12	6	1	1	–	2	–	6			
–	14	6	–	16	–	–	14	11	–	7	6	1	7	–	–	19	6	2	10	–
–	11	8	–	14	–	3	13	11	–	19	6	–	17	–	1	–	–	8	10	–
4	10	1	1	17	6	–	15	9	–	19	9	1	3	–	6	12	–			
1	13	3	–	11	–	–	19	6	1	2	–	1	10	7	1	9	–	2	4	–
1	3	–	1	5	–	–	17	6	–	8	–	–	9	10	–	10	–	1	6	9
1	–	–	–	14	11	–	9	4	–	14	–	–	7	1	9	4	7	–	8	–
6	–	–	1	5	–	–	18	9	–	14	11	2	4	5	2	14	8			
2	10	–	6	6	–	1	2	8	1	3	6	1	4	–	4	–	–	–	16	–

J. H. Roughan, Seneschal.

MANOR OF KILLALOE.

Manor of Killaloe.

THE jurisdiction of the said court extends over the ploughlands of Carlinbane, Carlingar, Carlumakilla, Ballycugerine, Cragleigh, Ballyvally, Knockyclooane, Finleamoer, Gurtinager, Garrenboy, Lackabranner, Lackinabane, Ballycorney, Clonfadda, Crievroe, Shantrade, Moyse, Ballykilladea, Gurthcahilroe, Ballygireen, Ballyhigue and Ballygiltane, in the parish of Killaloe; and that the greatest distance of any of said places from the town of Killaloe (which is the only place where a court is held) is about four miles.

The patent, by virtue of which the court is held, was granted to the Bishop of Killaloe, and is dated (as I believe) in the reign of James 1.

Appendix (A.)

CLARE.

Manor of Killaloe.

The pecuniary jurisdiction extends only to simple contract debts, and which do not exceed 40 *s.* of the late currency of Ireland. The authority of the court is enforced by a decree, upon which a warrant issues to the seneschal's bailiff, empowering a distress and sale of goods. The court has no power to arrest or imprison the person, and has never attempted to exercise any such power.

In the year 1834 there were held (as appears from the registry books of the court) 12 courts; in 1835, 11; in 1836, 7; and in 1837, 2.

Since the 31st of December 1833, to the present time, it does not appear that there was any adjournment on account of the non-attendance of jurors, and I believe that no adjournment was had on that account. The total number of adjournments within the above period appear to be four, and those adjournments took place (as I believe) on account of the sickness of the then seneschal, who soon afterwards died.

The number of cases entered for trial in 1834 was 177, and 144 of these were tried; in 1835 there were entered 225, and 189 tried; in 1836 there were entered 171, and 118 tried; and in 1837 there were entered 38, and 29 tried.

Since the 31st of December 1833 thee has been but one decree appealed from, and that appeal was not, as I have been informed, brought to trial.

The fees charged on the whole of the causes instituted in the court since the 1st of January 1834 to the present time amount to 110 *l.* 6 *s.* 1 *d.*; the sums recovered within that period amount to 157 *l.* 9 *s.* 9½ *d.*; and the costs within the same period, including those paid by defendants where decrees were obtained, as well as those paid by plaintiff where dismisses were had, amount to 53 *l.* 13 *s.* 7½ *d.*

The undersigned, who is seneschal of the court, is not of any legal profession; he is a justice of the peace for the county of Clare.

Michael Martin.

MANOR OF MOY-ILRICKANE.

Manor of Moy-Ilrickane.

FROM Miltown to Killard, 14 miles.

Patent dated 19th January, 18 James the First.

Extent of jurisdiction is 10 *l.*

Causes are tried to the above amount for debt and assumpsit, and also wages, trespass, promissory notes and other memorandums, passed by defendant to plaintiff.

This manor does not try for any cause or other than as above, or has any power of imprisonment.

Courts have always been held between a month and six weeks, depending on circumstances.

Number of courts held:

From 31st December 1833	to 31st December 1834	31
—	to 31st December 1835	27
—	to 31st December 1836	28

No court has ever been adjourned for non-attendance of jurors, or other causes, except the general assizes interfere.

Number of cases entered for trial	in 1834	597
—	in 1835	587
—	in 1836	367
Number of appeals	in 1834	none, or mislaid.
—	in 1835	21
—	in 1836	24
Number tried	in 1835	5
—	in 1836	7
Reversed	in 1835	1
—	in 1836	3

Return

Return of fees charged; viz.	s.	d.
For entering each process	1	–
For each decree signed and granted	2	6
For each dismiss ditto	2	6
For each appeal	1	–
For entering each case under 2 *s.* 7 *d.*	–	6

The seneschal of this court is not of any profession, nor is a justice of peace.

Patent states that courts shall be held from three weeks to three weeks.

William O'Brien, Seneschal.

MANORS OF O'BRIEN'S BRIDGE AND TOMGRANY.

Manors of O'Brien's Bridge and Tomgrany.

PLACES within the jurisdiction of the manor of O'Brien's Bridge:—The manor, castle-town and lands of O'Brien's Bridge, Cloneboy, Ardatagle, Cappakee, Killanaghery, Lacareagh-Beg, Lacareagh-More, Glaunagalough, Classagh, Carrunagowen, Mahereagh, Aghmore, Knockaderreen, Kilcredan, Ballycorny, Killestry, Frantyamore, Ballymolowny, Carhuenamore, Formoyle, Ballyquin, Clonyconnery-Beg, Kilmore, Faghroe, Ballynavin, Ballyda, Agharinagh, Kilbane, the Court-leet and Baron Seneschalship, fishing wears, ferry, and other privileges in the manor of O'Brien's Bridge, in the county of Clare.

The greatest distance from the ordinary place of holding the manor court of O'Brien's Bridge is in or about eight miles.

Patent granted in the reign of Charles the Second.

The pecuniary jurisdiction of the court is 10*l.*, late currency, and is recovered by the decree of the court; when the decree is pronounced, it is ordered to be filled up by the register of the court, and then signed by the seneschal, and directed to the marshal or bailiff of the court.

All the ordinary cases between man and man, in their several dealings through the country, are tried.

The court has no power of imprisonment under the decree; the power is by distress and sale of the goods of the defendant, which the marshal or bailiff sells in four days after distress made.

Number of courts held in 1834, 9; in 1835, 9; in 1836, 8; up to March 1837, 2.

No court adjourned for non-attendance of jurors; adjourned four times in consequence of ill health during that time.

The number of cases entered for trial during the same period, 970; all tried, with few exceptions.

No appeals from any of the decrees, but one yet to be tried.

Any case entered not exceeding 5*s.*, the cost of court is half the debt; any case exceeding 5*s.*, and upwards, the cost of court is 5*s.* 6*d.* On the 970 cases entered, the seneschal received as his fees 137*l.* 9*s.*

He has no legal profession; is not a magistrate.

Places within the jurisdiction of the manor of Tomgrany, viz.:—The manor and castle of Tomgrany, Raheens, Ballyquin, Ballymalone, Reaveal, Tullaharry, Ballyvannon, Keilty, Tyroneer, Scarriff, Ballyminogue, Derrygrany, Fossabeg, Fossamore, Waterpark, Capporoe, Kealderra, Knockroe, Knockaveen, Poulagower, Knockagrady, Aughrim, Drimanure, Ballycorban, Coologoree, Clonusker, Cappacanane, Gortaderra.

The greatest distance from the ordinary place of holding the manor court of Tomgrany is in or about six miles.

Patent granted in the reign of Charles the Second.

The pecuniary jurisdiction of the court is 2*l.*, late currency; the proceedings of the court, and the fees and costs, are the same as in the manor court of O'Brien's Bridge.

The number of courts held in 1834, 12; in 1835, 12; in 1836, 12; up to March 1837, 3.

No court adjourned during that period.

The number of cases entered for trial, 1,087; 63 not tried.

No appeals from the decrees.

On the 1,087 cases entered, the seneschal received as his fees, 153*l.* 10*s.*; pays out of the emoluments of both his manor courts 20*l.* a year to his registrar.

Given under my hand at Scarriff, in the county of Clare, this 11th day of April 1837.

John Huleatt, Seneschal.

COUNTY OF CORK.

Manor of Abbeymahon.

1. Places over which Jurisdiction extends.	2. Greatest Distance over which Jurisdiction extends from Place of holding Court.	3. Date of Patent or Charter.	4. Extent of Pecuniary Jurisdiction.	5. How Enforced.	6. What Description of Causes Tried.	7. Number of Courts held in the Years			8. Number of Courts adjourned for Non-attendance of Jurors or otherwise.		
						1834.	1835.	1836.	1834.	1835.	1836.
Ploughlands of— Lineagh - 2 Currahavern - 2 Grangemore - 2 Argehane - 2 Ahafore - 1 Ahamanuster - 1 Gurranes - 1 Grangebeg - 1 Abbymahon - 2 Criggane - 2 Lislevane - 2 Total - 18	Three English miles.	Seventh year of the Reign of Charles 2.	40*s.* Irish currency.	By distress and sale of defendant's goods, by virtue of a decree, grounded on proceeding by civil bill.	Goods sold, trover, trespass, rent and cash lent.	10	12	10	—	—	—

9. Number of Causes Entered for Trial.			10. Number of Causes Tried.			11. Appeals from Decrees.	12. Appeals Tried.	13. Amount of Fees charged for Three Years, ending 31 Dec. 1836.	14. Sum Recovered in Court for last Three Years.	15. Amount of Costs Recovered for last Three Years.	16. REMARKS.
1834.	1835.	1836.	1834.	1835.	1836.						
160	271	148	26	36	19	1	1 None reversed.	£. *s.* *d.* 30 4 6	£. *s.* *d.* 48 1 4	£. *s.* *d.* 13 6 –	There is no jurisdiction in this manor court with respect to the arrest or imprisonment of persons. The seneschal is not a member of any legal profession nor a justice of the peace.

George Kingston,
Seneschal.

MANOR OF ALTHAM.

1. Date of Patent or Charter.	2. Places over which Jurisdiction extends.	3. Greatest Distance from the Place of holding Courts.	4. Extent of Pecuniary Jurisdiction.	5. How Pecuniary Jurisdiction is enforced.	6. What Description of Cases are Tried.	7. Powers with regard to Imprisonment.
1679. Granted by King Charles the Second to the then Earl of Anglesey.	The parishes of Kilmannagh, Kilcathern and Kilokenagh, containing several divisions and denominations of lands, as stated in the patent, but which I could not enumerate in this space.	About nine miles.	40*s.* British; there is also a power to hold a court of record to so high an amount or extent as 200*l.*, but this has not been acted on.	Under the seneschal's decree, against the goods, to which decree is attached a warrant, empowering the manor bailiff to take the goods, and to sell them for payment of the debt and costs.	All cases which originate in debt or damage.	There is no prison connected with this manor, nor does the manorial rights extend to any such thing.

8. Number of Courts held.	9. Number Adjourned for non-attendance of Jurors.	10. Number Adjourned for other Causes.	11. Number of Cases entered for Trial.	12. Number of Cases Tried.	13. Number of Appeals from Decrees.	14. Fees Charged.	15. Sums Recovered.	16. Amount of Costs.
Year ending 31st December 1834:						£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*
12	- -	5	105	55	1 which was not followed up.	16 13 6	40 10 9	12 16 6
Year ending 31st December 1835:								
10	- -	7	139	57	2 which were not followed up.	19 15 6	45 14 2	18 5 6
Year ending 31st December 1836, and to 31st March 1837:								
18	- -	2	270	118	6 3 of which were withdrawn, and 3 tried by judge of assize, and confirmed.	40 1 -	85 19 -	34 13 -

Observations.—The 105 cases entered for trial in 1834 were disposed of as follows: 45 decrees, 10 dismisses, and 50 settled without going to trial. The total amount decreed for is 40*l.* 10*s.* 9*d.*; amount of dismisses, 8*l.* 1*s.* 8*d.*; and amount settled without going to trial, 46*l.* 1*s.* 6*d.* The number of processes or summonses issued in said year was 358. The seneschal charges his fees as follows, under 25 Geo. 3: issuing and signing summons, 1*s.*; entering plaint, 1*s.*; making out and signing decree, 2*s.* 6*d.*; and under the 7 & 8 Geo. 4, the seneschal is allowed an additional sum of 2*s.* on each decree, 6*d.* on every renewal of a decree, and 1*s.* on every appeal bond, together with an additional sum of 1*s.* for the bailiff summoning a jury, but the latter sum I have never included in the decree.

The 139 cases entered for trial in 1835 were disposed of as follows: 51 decrees, 6 dismisses, and 82 settled without going to trial. The total amount decreed for is 45*l.* 14*s.* 2*d.*; amount dismissed, 3*l.* 8*s.*; and amount settled without going to trial, 54*l.* 4*s.* 2*d.* The number of processes issued this year, 420.

The 270 cases entered for trial in 1836, and to 31st March 1837, were disposed of as follows: 101 decrees, 17 dismisses, and 152 settled without going to trial. The total amount decreed for is 85*l.* 19*s.*; amount dismissed, 20*l.* 3*s.* 8*d.*; and amount settled without going to trial, 127*l.* 9*s.* 3*d.* The number of processes issued during this period is 623.

N. B.—The seneschal here is not of any legal profession, nor is he a justice of the peace.

Mill Cove, Borehaven, 17 April 1837.

Patrick O'Sullivan,
Seneschal.

MANOR OF BALLYDEHOB.

1. Places over which the Jurisdiction of the Manor Court of Ballydehob extends.	2. The greatest Distance of any Place within such Jurisdiction, from the ordinary Place of holding such Court.	3. Return of the dates of Patents or Charters granted to such Court.	4. Extent of the Pecuniary Jurisdiction of such Court.	5. How such Jurisdiction is enforced, and what description of Cases are Tried.	6. Extent of Mr. Sweetnam's power as Seneschal of the Manor of Ballydehob, with regard to Imprisonment.	7. The Number of Persons Imprisoned under Mr. Sweetnam's Decree.	8. The Number of Persons Imprisoned under Mr. Sweetnam's Decree as Seneschal of said Manor.
All the territory, cantred or precinct of land, called or known by the name of "Glaght Teige," or "Mahama," containing about thirteen ploughlands.	About 12 miles.	16th day of July, in the 18th year of the reign of King James the First.	The jurisdiction of this court is only limited by statute, to wit, in all cases of debt, assumpsit, and insimul computasset, not exceeding the sum of 10*l.*, and in all cases of quantum meruit, trover, trespass, detinue, not exceeding 5*l.*	By civil bill process, served on the party seven days previous to the return day, and a decree had on *vivâ voce* evidence, before the seneschal and a jury of 12 men, in all cases adverted to in answer to preceding quere.	The patent does not give Mr. Sweetnam any power of imprisonment, and he has not, therefore, exercised any.	None, for the reasons assigned in the preceding answer.	None, for the like reason.

9. Whether the Prison be one of peculiar Jurisdiction.	10. Whether a Power of Distress exists, and how it is levied.	11. A Return of the Number of Courts held in each year, beginning from 31st day of December 1833.	12. The Number of Courts adjourned for Non-attendance of Jurors or other cause.	13. The Number of Cases entered for Trial.	14. The Number of Cases Tried.	15. The Number of Appeals from Decrees, how many Tried, and how many Decrees Reversed.	16. Return of Fees Charged, the Sums Recovered, and the Amount of Costs during same Period.	17. Whether the Seneschal of such Court be a Member of any Profession, or a Justice of the Peace.
No prison.	A power does exist, and is levied by a decree had on the verdict of a jury, and not on mesne process or attachment against the goods of the party.	17	None.	131	72	Five appeals tried, and only one reversed, in consequence of the respondent having neglected to prosecute.	The fees are regulated by statute, to wit, 5*s.* 6*d.* on every decree, and a like sum on every dismiss issued, but cannot say how many, nor to what amount enforced.	The seneschal is a private gentleman, is not professional, nor a justice of the peace.

Note.—Seventy-two of the above entries were decreed, and seven dismissed.

Skibbereen, 8 May 1837.

John Sweetnam, Seneschal.

MANOR OF BALLYMOODAN.

1. Places over which Jurisdiction of Manor Court extends.	2. Greatest Distance of Place over which Jurisdiction extends from Place of holding Court.	3. Date of Patent or Charter.	4. Extent of Pecuniary Jurisdiction.	5. How Enforced.	6. What description of Cases Tried.	7. Number of Courts held in the Years			8. Number of Courts adjourned for Non-attendance of Jurors or otherwise.		
						1834.	1835.	1836.	1834.	1835.	1836.
Ploughlands of—Cloughmacsimon, Curravrida, Monerone, Knuckanreagh and Cloughinavadig.	About two English miles.	8th day of June 1629, 5th year of Charles I.	40*s.* Irish currency.	By distress and sale of the goods of defendant, by virtue of decree pronounced on the trial of civil bill.	Actions for goods sold, for cash lent, and for trover.	10	12	11	—	—	—

9. Number of Cases entered for Trial.			10. Number of Cases Tried.			11. Appeals from Decrees.	12. Appeals Tried.	13. Amount of Fees Charged for Three Years ending December 1836.	14. Sums recovered in the Manor Court for last Three Years.	15. Amount of Costs.	16. REMARKS.
1834.	1835.	1836.	1834.	1835.	1836.						
17	22	15	16	21	13	4	none	£. *s.* *d.* 12 6 –	£. *s.* *d.* 24 13 8½ with costs.	£. *s.* *d.* 7 13 –	This court has no jurisdiction as to the arrest of persons for debt, nor of imprisonment. The seneschal is not of any legal profession, nor a justice of the peace.

14 March 1837.

John Cotter, Seneschal.

MANOR OF BALTIMORE.

TOWNLANDS named in the Patent of James 1, creating the Manor of Baltimore.

Collimore als. O'Driscoll's County, Inisherkin, Downygall, Leapecher, Inispike, Old Court, Randacassane, Baltimore als. Downyshead, Tullagh, Ballyalinohahane, Bath, Laccaghahane, Gurtard, Moonnagh, Ringarogah, Lleevmore, Fearanacoishe, Gurtilascah, Ignnayne, Kelheacon als. Three Kynewes of Donygale, Ardaghe, Glanvigane als. Glanyfoyne, Balemande, Lach, Gurtaveshy als. Gurtaviser, Drishanemore. Manor of Baltimore.

I have been so short a time appointed seneschal of this manor, that I cannot answer the entire of the queries necessary. My predecessor, Thomas Hungerford, esq., having died suddenly, and left his affairs in rather an unsettled state, I have not been able to get his court books. The limit of the manor is about six miles; the court-house is in about the centre; the jurisdiction does not exceed 40*s.*; there is no power of imprisonment. The courts have been regularly attended to. I understand that none of the decrees have been reversed in cases of appeal.

I am not of any legal profession, nor am I a justice of the peace.

Ross Carbery, 11 May 1837.

Thomas Morris, Seneschal.

MANOR OF BANTRY.

1. PLACES of JURISDICTION.	2. Greatest Distance of any Place from the ordinary place of holding such Court.	3. Date of Patent granted to such Court.	4. Extent of Pecuniary Jurisdiction.	5. How it is Enforced.	6. What description of Cases are Tried.	7. Extent of Power with regard to Imprisonment.	8. Power of Distress and how Levied.
Gurteen, Killername, Gorriduff, Droumleagh, Rooska, Whiddy Island, Droumclough, Seskin, Droumadooneen, Shandrum, Inchaclogh, Brenny, Reendesert, Caravan, Madderagh, Crelycranagh, Glangarriffe Island, Scullin, Ardnagashil, Ardaturrish, Coonholy, Coomholy, Crillycranagh, Crisbycranagh, Carufadda, Killkaskan, Droumlaff, Droumgarravaw, Connegery, Happanaparkie, Rossmacowne, Hungaryhill, Agroumi.	20 miles	January 19, 1679.	2*l.* sterling	On the goods and chattels of defendant.	Debt, covenant, trespass, account, contract and detinue.	No imprisonment.	By power of decree.

9. Number of Courts held in each of the Years				10. Number of Courts adjourned for Non-attendance of Jurors in the Years				11. Number adjourned for other Causes in the Years				12. Number of Cases entered for Trial in the Years			
1834.	1835.	1836.	1837.	1834.	1835.	1836.	1837.	1834.	1835.	1836.	1837.	1834.	1835.	1836.	1837.
14	15	14	5	–	–	–	–	2	3	1	2	144	136	110	67

13. Number of Cases tried in the Years				14. Number of Appeals from Decrees in the Years				15. Number of Appeals Tried in the Years				16. Number of Decrees reversed in the Years			
1834.	1835.	1836.	1837.	1834.	1835.	1836.	1837.	1834.	1835.	1836.	1837.	1834.	1835.	1836.	1837.
123	103	78	67	3	–	2	3	–	–	–	–	–	–	–	–

17. FEES CHARGED.		18. Sums recovered for the Years				19. Amount of Costs for the Years				20. Profession of Seneschal.
	s. d.	1834.	1835.	1836.	1837.	1834.	1835.	1836.	1837.	
For issuing and signing summons and service of same	1 8	£. 100 18 –	£. 76 17 11	£. 51 6 1½	£. 35 – 7	£. 38 16 10½	£. 34 9 8½	£. 24 17 4	£. 20 1 6	No profession.
For entry and trial	1 8									
For each execution made and signed	2 7½									

MANOR OF BRIDGE TOWN.

1. Date of Patent.	2. Description of Courts.	3. Names of Places of Jurisdiction where it extends.	4. Court of Record Jurisdiction.	5. Court Baron Jurisdiction.	6. How Power of Distress exists.
Patent granted by Charles the Second. Not having the original patent, cannot give the exact date.	A court baron and court of record.	The town and lands of Bridge Town, alias Coroma, Lick, Drishammore, Ryncomuck, Lahudam, Kunoknagour, Bunyroe, Yorkane, Rundacussane, Banyshall, Ardgshane, Ballycahan, Guitterack, Emaud, Castle Town, and the four ploughlands of Sline, Tighe, Magrath, Fomagh, with its denominations, Ganyhag, Lettertinglass, Monavolane, Ramy-Pale, Kiladeny, Bandickowen, Bluid and Barnagolopy, the two ploughlands of Knocknahilly and Rahirer, Marclyceane, Ardea, Banyshale, Cahergal, Castletre, Cloundah, Listurane, Stickeen, Cavladenow, Glannakelena, Cunamactighe, Dreendaugan, Drishambeg, Lorrogo, Sucorane, Lisaunhig, Lahertedaly, Dromig, Cloughtenly, Gurtuagolane, Skea, Bayagome, Cahersua, Mahand, Fanmogilly, Newhile, Seabane, Downim, Dunbeacon, Duryfugston and Caherlickdenny. Furthest extent of jurisdiction, about 12 miles from where the manor court is held.	Pecuniary jurisdiction, 5*l.* 6*s.* 8*d.*, late Irish currency.	Pecuniary jurisdiction, 2*l.*, late Irish currency.	Enforced by seneschal's decree; executed on the goods and chattels of defendants, and tried by seneschal and jury of 12 persons summoned from different parts of the manor.

7. Description of Cases Tried.	8. Whether Power of Imprisonment exists.	9. Persons Imprisoned under Decree.	10. Number of Courts held in each Year, commencing 31 Dec. 1833.	11. Number of Courts adjourned for non-attendance of Jurors.	12. Number of Cases entered for Trial.	13. Number of Cases Tried.
Cases of debt, assumpsit and insimul computasset; and cases of quantum meruit, trover and trespass.	Power of imprisonment exists under the patent for any sum over 2*l.* late Irish currency, or under 5*l.* 6*s.* 8*d.* late Irish currency, but that power has not been exercised for years.	None. No manor prison in the manor, the power of imprisonment not being exercised.	16 courts each year.	None.	For the year 1834 to 31st Dec., 91 cases; from 31st Dec. 1834 to 31st Dec. 1835, 114 cases; from 31st Dec. 1835 to 31st Dec. 1836, 117 cases.	All cases entered during the 3 years mentioned in adjoining column have been tried.

14. Number of Appeals from Decrees, stating how many were Tried and how many were Reversed.	15. Return of Fees charged.	16. The Sums Recovered.	17. Amount of Costs during the period of Recovery.	18. Occupation of Seneschal.
In the year 1834, one appeal; in the year 1835, four appeals; in the year 1836, eight appeals. I have not heard of any of the decrees which have been appealed to from this court being reversed; and I do believe the general cause of appeal by the defendants was to gain time to make up the amount of the sums decreed for, as very few of the appellants have prosecuted their appeals.	1*s.* for signing each process, 1*s.* for entering same for trial, and 2*s.* 6*d.* for each decree. Bailiff also gets 1*s.* for service of process.	I cannot ascertain the amount of sums recovered, as the parties are generally in the habit of settling between themselves before the decree is put in force.	No further costs of court but those stated; but should a decree be executed, which very seldom occurs, the beast is placed in the manor pound, and the pound-keeper is paid for grazing.	Private gentleman; no magistrate.

15 April 1837.

Charles Clerke, Seneschal.

Appendix (A.)

Cork.

Manor of Carrigaline.

Manor of Carrigaline alias Bever.

Places over which Jurisdiction extends?
The parishes of Carrigaline, Bearnahely, Kilmoney, Lisclery, Monkstown, Marmalane, Templebredy, part of Kilpatrick and part of Ballinabar; all very small parishes, except Carrigaline.

The greatest Distance from ordinary places of holding Courts?
About three miles; having held courts at Carrigaline, Rafeen in Lisclery, Passage West in Marmalane and Monkstown, Ahamartha for Templebredy, and Ballyduhig for and near to Ballinabue, for the convenience of suitors.

Date of Patent?
8th of June, in the 5th year of the reign of King Charles the First.

Extent of Pecuniary Jurisdiction?
There does not appear to be any limitation.

How enforced?
By a decree against the goods and chattels, directed to the bailiff of the manor.

What description of Cases tried?
Debts of assumpsit, by promissory note; I. O. U.'s for goods sold and delivered, or cash lent.

Number of Persons imprisoned?
None; no prison in this manor.

Whether power of Distress exists, and how it is levied?
There is a power of distress by a decree under the hand and seal of the seneschal, directing the bailiff of the manor to make distress and sale.

Number of Courts held in each year, from the 31st of December 1833?
In 1834, two; in 1835, seven; in 1836, one. Owing to a rumour of a legislative change which may alter the present law, as well as ill-health of the seneschal, there was but one court in 1836.

Number of Courts adjourned for non-attendance of Jurors or other causes?
None.

Number of Cases entered for Trial?
Thirty-six.

Number of Cases tried?
Twenty-seven.

Number of Appeals?
None; of course none reversed. *N. B.*—There were but two appeals tried in 14 years, and both affirmed.

Return of Fees charged?
For filling, signing, &c. each process and copy, 1 *s.*; entering the same, 1 *s.*, that is, such as do not settle; filling, signing and issuing each decree or dismiss, if required, 2 *s.* 6 *d.* The printed forms found by the seneschal for the above.

Sums recovered?
The several debts sued for, from 5 *s.* to 2 *l.* 15 *s.*, amounted in the whole to 21 *l.* 19 *s.* 10 *d.*, and recovered.

Cost charged?

Signing, &c. 36 processes and copies - -	£.	1	16 –
Entering the same - - - - -		1	16 –
Ten decrees taken out - - - - -		1	5 –
		4	17 –
Bailiff, for executing the several decrees - -		–	6 –
	£.	5	3 –

N.B.—There are several processes issued of which the seneschal does not keep an account, and that never come to be entered, the parties to which settle out of court.

Carrigaline, 20 April 1837.

William Travers,
Seneschal.

Manor of Castlelyons.

Manor of Castlelyons.

This manor court is supposed to exist by prescription, for we cannot find any charter or patent creating it, and it is known to have existed for upwards of 100 years.

The extent of the jurisdiction is 40 *s.* late Irish currency, and it extends over all the estates formerly possessed by the Earls of Barrymore, in the barony of Barrymore and county of Cork. I cannot set forth the names of all the places over which the jurisdiction extends; the greatest distance of any such place from the town of Castlelyons, where the court is held, is about 10 miles.

The decrees are enforced by distress and sale of the defendant's goods; there is no power of imprisonment; all cases of assumpsit are tried where the sum demanded does not exceed 40 *s.* late Irish currency.

The number of courts held since the 31st December 1833 was only seven; one court was adjourned for want of a jury, and there was no court adjourned for any other cause.

The number of cases entered for trial was only 22; the number of cases tried was 20.

I signed 19 decrees and one dismiss; there were no appeals.

The cost in each case is 5 *s.* 6 *d.*

I did not attend save when there was business ready, of which the bailiff or clerk used to inform me; nor have I attended at all since the 7th May 1830, partly in consequence of ill-health and partly because there was no business to be done. I have been for the last year unable to attend in consequence of ill-health.

I am an attorney.

James Kirby,
Seneschal.

Fermoy, 11 May 1837.

Manor of Castlemartyr.

Manor of Castlemartyr.

Places over which the Jurisdiction extends?

The castletown and lands of Ballymartyr, alias Ballyoughter; the castletown and lands of Ightermoroughmore; the castletown and lands of Ballymaloemore; the lands of Graugy, Curustan, Tubberdouran, Ballyoughtra, Ahirnage, Ahorne, Cary's Wood, Ballyknockane, Parkmore, Gurtnahominamore, Gortnahominabeg, Banefury, Knockarslast, Ballinurenagh, Kilbeg, Knockglass, Knockalone, Ballyrussell, Parklefig, Ballyduff, Gortwontahan, Ballyribbin, Garrauasig, Gortneglara, Millshane, Kilmucky, Ballgerenaubeg, Dromaddymore, Dromadybeg, Boghelan, Parknahealy, Kilmounten, Monemounten, Kilhaduct, part of Licture, Carrigneshiney, Knockristere, Loghnahornagh and Ballyneparky; all situate, lying and being in the county of Cork.

The greatest Distance of any place from the ordinary place of holding such Court?

Five miles from Castlemartyr, where the court is held.

Date of Patent or Charter of such Court?

28th July 1674, 26 Chas. 2, date of patent.

Extent of Pecuniary Jurisdiction?

The patent for this manor gives a twofold jurisdiction; namely, court baron or manor court, to the sum of 40 *s.*, and the court of record to the sum of 200 *l.*; the latter jurisdiction has never been exercised by the present seneschal.

How it is enforced and what description of Cases tried?

Enforced by civil bill, before seneschal and a jury of 12 men, for book accounts, promissory notes, goods sold, use and occupation, and other simple contract debts; the patent gives a more enlarged jurisdiction, viz. actions of debt, covenant, trespass and detinue, not however tried at present in this court.

Extent of power with regard to Imprisonment?

The decrees were always against the party's goods, and not against the person; the power of imprisonment appears by the patent to be limited to the court of record, but extended to body or goods by the 25th Geo. 3; however, arrest has not been resorted to, as it was not given by charter.

Number of Persons imprisoned under Decree?

None.

Is the Prison one of peculiar Jurisdiction?

No prison, but a common bridewell for criminal purposes, not used by seneschal.

Does power of Distress exist, and how is it levied?

Power of distress is given by the Manor Court Acts, and is levied by taking the goods, and, after four days' notice of sale, sold by public auction to the highest bidder.

Appendix (A.)

Cork.

Manor of Castlemartyr.

Number of Manor Courts held in each year from 31st December 1833?
There was a lapse in which no court was held, from the 13th February 1832 to the 19th January 1835, in consequence of the age and infirmity of the former seneschal; and the present seneschal, since his appointment, held eight courts, in 1835; six courts in 1836; and issued processes once a month in the present year, which were compromised before court day; consequently, no court held this year.

Number of Courts adjourned for Non-attendance of Jurors or other cause?
Ten courts were adjourned for non-attendance of jurors or other cause.

Number of Cases entered for Trial?
Ninety-seven.

Number of Cases tried?
Thirty-seven.

Number of Appeals from Decrees, how many were tried, and how many Decrees were reversed?
None appealed from or reversed.

Fees charged?

		s.	d.
To seneschal, for issuing or signing summons or process	-	1	–
— for entering the plaint	-	1	–
— for every execution made out and signed	-	2	6
— for appeal bond, when taken	-	1	–
To bailiff, summoning jury	-	1	–

— 6*d.* for the first, 2½*d.* for every 1*l.* after, levied under an execution, pursuant to the Manor Court Act.

Is the Seneschal or Steward a member of any Legal Profession or Justice of the Peace?
Seneschal not a member of any legal profession nor justice of the peace.

Joseph Taylor,
Seneschal.

16 April 1837.

Manor of Castlemacawly.

Manor of Castlemacawly.

This manor was granted to Sir Thomas Roper originally, and now belongs to the Earl of Cork.

The place of holding the manor court is Clonfert, which is centrally situated, and is about six miles distant from the boundaries.

Extent of pecuniary jurisdiction is 40*s.* of the late Irish currency, recovered by decrees against the effects of the parties. There is no power to imprison, and consequently no persons imprisoned; neither is there any prison of "peculiar jurisdiction."

The average number of courts held in each year, from 31st December 1833 to present time, is 14, being about 50 in all. The average number of cases on each court day is six, which are tried. The number of appeals which were tried at the assizes during the period alluded to were two. One decree was reversed and another confirmed.

There was no court adjourned from non-attendance of jurors.

The fees charged are—

	s.	d.
For process - - -	1	–
For entering - - - -	2	–
For signing decree or dismiss -	2	6
Total Costs of Decree or Dismiss	5	6

Jurisdiction extends over an extensive mountain district, about 12 miles in length and six in breadth; bounded north by Williamstown, south by Curraghduffe, east by Muckenagh, and west by Cloughoola. It is all the estate of the Earl of Cork and Orrery.

The amount of debts recovered each year averages about 140*l.* The fees to seneschal amount to about 20*l.* yearly during the required periods. The seneschal is not a justice of the peace, nor does he belong to any legal profession.

Rossacon, Kanturk,
12 April 1837.

Daniel Leahy,
Seneschal.

MANOR OF CASTLE MAHON, OTHERWISE CASTLE BERNARD.

1. Places over which Jurisdiction of Manor Court extends.	2. Greatest Distance of Place over which Jurisdiction extends from Place of holding Court.	3. Date of Patent or Charter.	4. Extent of Pecuniary Jurisdiction.	5. How enforced.	6. What Description of Cases Tried.	7. Number of Courts held in the Years			8. Number of Courts Adjourned for Non-attendance of Jurors, or otherwise.		
						1834.	1835.	1836.	1834.	1835.	1836.
Ploughlands of— East Gully, Roundhill, Naghill, Killowntain, Gurteen, Britass, Cappa, Gaggin, Cashelmore, Cashelbeg, Mumreens, Kilcoleman, Knucknegilagh, Harehill, Curravarahane, Meelan, Stoke, Danganebeg and Clancool.	Four miles.	8th day of July, in the 10th year of the reign of James 1.	40 *s.* Irish currency.	By distress and sale of the goods of defendant, by virtue of decree pronounced on the trial of civil bill.	Actions for goods sold, for cash lent, trespass, trover and rent.	15	11	13	—	—	—

9. Number of Cases entered for Trial.			10. Number of Cases Tried.			11. Appeals from Decrees.	12. Appeals Tried.	13. Amount of Fees Charged for Three Years, ending December 1836.	14. Sums recovered in the Manor Court for last Three Years.	15. Amount of Costs.	16. REMARKS.
1834.	1835.	1836.	1834.	1835.	1836.						
29	29	31	27	25	26	1	None.	£. *s.* *d.* 18 2 –	£. *s.* *d.* 40 6 11½ with costs.	£. *s.* *d.* 14 1 6	This court has no jurisdiction as to the arrest of persons for debt, nor for imprisonment. The seneschal does not belong to any legal profession, nor a justice of peace.

William Lovell, Seneschal.

MANOR OF CHARLEVILLE.

1. NAME of MANOR.	2. Places over which Jurisdiction extends.	3. Greatest Distance from Court-house.	4. Date of Charter.	5. Pecuniary Jurisdiction.		6. How Enforced.	
				Record Court.	Court Baron.	Record Court.	Court Baron.
Charleville -	Brughill, Killindonnell, Rathgoggan, Graigues, Rathbane, Castle Plawland, Curraghmadera, Gurtroe, Fort, Clenbreane, Ardnacroghy, Ballyhobbague, Clounlard, Classen, Sallagh, Ballincally, Liscullane, Ballydaheen, Shandrum, Coolismuttane, Clomnore, Ballinatate, Clonmore, Killine, Gurtskeagah, Kippane, Aughrim, Keiltorgue, Cregane and Ballinagaul, in the counties of Cork and Limerick.	Five miles.	10 June 1671.	£. *s.* *d.* 200 – –	£. *s.* *d.* 10 – –	By action, latitat and attachment; all pleadings exactly similar to those of the superior courts in Dublin.	By summons, pursuant to 25 Geo. 3, c. 44.

MANOR OF CHARLEVILLE—*continued.*

7. Description of Cases Tried.		8. Extent of Power of Imprisonment.		9. Number of Persons Imprisoned.		10. Prison.	11. Power of Distress.	
Record Court.	Court Baron.	Record Court.	Court Baron.	Record Court.	Court Baron.		Record Court.	Court Baron.
All manner of actions of debt, detinue, trespass, replevin, withernam, second deliverance, and all other personal and mixed actions whatsoever.	All actions of debt, covenant, trespass, account, contract and detinue, and all other causes and matters whatsoever.	By mesne process, for any sum over 20 *l.*, and not exceeding 200 *l.*	By final decree, for any sum not exceeding 10 *l.*	None.	None.	No manor prison.	By writ to hold to bail, and final execution, not exceeding 200 *l.*	By a decree, not exceeding 10 *l.*

12. Years.	13. Number of Courts held in each Year.	14. Number of Courts Adjourned for want of Jurors.	15. Number Adjourned from other Causes.	16. Number of Cases entered for Trial.		17. Number of Cases Tried.		18. Number of Cases Compromised.	
				Record Court.	Court Baron.	Record Court.	Court Baron.	Record Court.	Court Baron.
1834	52	10	3	112	44	10	20	102	24
1835	52	13	5	86	28	4	18	82	10
1836	52	8	1	113	23	14	19	99	4
1837	14	3	—	50	6	3	6	47	—

19. Number of Appeals since 1833.	20. Number Tried since 1833.	21. Number of Decrees Reversed.	22. FEES CHARGED.		23. Sums Recovered from 31st Dec. 1833 to this Date.	24. Amount of Costs of Court for same Time.	25. SENESCHAL.
			Record Court.	Court Baron.			
17	3	None.	On action or latitat from service to final execution, 1 *l.* 16*s.* On attachment, 18*s.*	On each summons to final decree, 5*s.* 6*d.*	£. *s.* *d.* 1,046 8 7½	£. *s.* *d.* 153 19 4	Of no legal profession, but a justice of the peace.

A. Batwell, Seneschal.

Manor of Clonakitty.

1. Places over which the Jurisdiction of the Court extends.	2. Greatest Distance from the Place of holding the Court.	3. Date of Patent.	4. Extent of Pecuniary Jurisdiction.	5. How it is Enforced.	6. Description of Cases Tried.	7. Extent of Power with regard to Imprisonment.	8. Number of Persons Imprisoned under Decrees.
Townland of— Kilgarriff. Knockskagh. Temple Brien. Shannonvale. Gullane. Haulenanagh. Youghals. Clogheen.	Three miles.	16th July, in the 18th year of James the First.	40*s.* British.	By process usually called civil bill decree, and execution against the goods.	Debt generally, but occasionally cases of trespass.	None.	None.

9. Whether the Prison is of Peculiar Jurisdiction.	10. Power of Distress.	11. How same is Levied.	12. Number of Courts in each Year, since 31st December 1833.	13. Number of Courts Adjourned, and for what cause, since 31st Dec. 1833.	14. Number of Cases entered for Trial, since 31st Dec. 1833, up to 14th Mar. 1837.	15. Number of Cases Tried, since 31st Dec. 1833, to 14th Mar. 1837.	16. Number of Appeals from Decrees, since 31st Dec. 1833, to 14th Mar. 1837.
No prison at all.	This power exists only under executions, which are executed by the authorized bailiff of the manor.	*See* last column.	17 in the year 1834 16 in the year 1835 17 in the year 1836 3 up to 14 Mar. 1837.	Four, there being no business.	127	127	Two only.

17. How many Appeals Tried, since 31st Dec. 1833.	18. How many Decrees Reversed on Appeal, since 31st Dec. 1833.	19. Fees Charged.	20. Sums Recovered.	21. Amount of Costs.	22. Whether Seneschal is a Barrister or a Justice of Peace.
Not known if any were tried.	None.	None but those prescribed by 25 Geo. 3, c. 44, and the 7 & 8 Geo. 4, c. 59. *N. B.*—No entry having been made of the fees actually charged in each particular case, it is impossible to state the gross amount in the manner which seems to be required; for though in no case the fees have exceeded the amount prescribed, yet in numerous cases the fees have been in part, and in many wholly remitted, from the apparent poverty of the person liable.	Total of sums decreed from the 31st December 1833 to 14th March 1837, viz. 24*l.* 12*s.* 11½*d.*	None but those prescribed by 25 Geo. 3, c. 44. *N. B.* — The same observation as that made under the head of "Fees charged" is here quite applicable.	Conformably to ancient usage, the recorder of the borough of Clonakitty holds the office of seneschal of this manor; and the present seneschal is also a justice of the peace. The recorder is also a borough magistrate by the provision of the charter.

I certify that the foregoing is a true and accurate return upon the different points specified in the order of the Committee. And it may be proper to add, that having held the offices of recorder of the borough and seneschal of the manor of Clonakitty for a period of 30 years, I do not remember an instance of any one decree having been reversed upon appeal to the judge of assize.

12 April 1837. *John Townsend.*

Appendix (A.)

Cork.

Manor of Cloghanmore.

Manor of Cloghanmore.

Townlands named in the patent of James 1 :

Cloghanmore, Clohan als. Clohan-Igah, Ballicomane, Balliowrane, Cloneraggie, Lishonerleigh als. Lishrenriegh, and Tushimacollagh, Gneeves, Cullinagh, Gorthdramagh, Meanleneahagalshie, Clonkyen, Adergoole, Cloghvooly, Denleigh als. Shrellane, Lisclaraghmore, Lisclaraghbeg and Corivoly, Marahan, Rincolisky, Inishy-Driskoll, Aruntal Iniskeane als. East Iniskeane, Lishenry als. Lisheny, Reneny Linnegh, Rilsanlaghtoe als. Rilsanlaghtie, Leighclime, Knuckecullen, Monyenfame als. Monynyfamer, Rathguin, Ffaharlogh als. Ffollinlagh, Letterskanlan als. Letterskanlane, Sronekemrighe als. Shronekenanagh, Renemonaghhere, Maghenabane, Maryhuneghueglogh, Tonke, Baltinally, Lishenyaghtuagh, Barraghvilly, Lezan als. Lisbane, Aghill, Lettertinlis, Lettermelis and Clonrenneson, Linovan.

I have been but a few months appointed seneschal of this manor, and therefore cannot answer all the queries required. My predecessor, Thomas Hungerford, Esq., having died suddenly, left his affairs in rather an unsettled state, and his court books are to me unavailable; but I am aware of his having had his court business regularly attended to.

The court-house is about the centre of the manor, and its limits about four miles; its jurisdiction does not exceed 40 *s.* I understand that none of his decrees have been reversed by the judge of assize in cases of appeal. There is no power of imprisonment. I am not of any legal profession, nor am I a justice of the peace.

Ross Carbery, 11 May 1837. *Thomas Morris*, Seneschal.

Manor of Cloyne.

Manor of Cloyne.

The Bishop of Cork, Cloyne and Ross, Lord of the Manor.
The Rev. William Welland - - - Seneschal of ditto.

1.—Extent of Jurisdiction?

The manor extends over that part of the estate of the Bishop of Cork and Cloyne which lies within the parish; it comprehends the town of Cloyne, town parks and Spittal lands, the demesne of Cloyne, the village of Ballycotton, the townlands of Ballycotton, Ballycroneen, Ballyonane, Ballycornane, Knocknamodree, Curlowm, Ardavulling, Commons, Ballybrenagh, Sculleen, Knockacrumpa, and some small sub-denominations.

2.—The greatest Distance of any place from the Court?

Ballycotton is the most remote part of the manor, and is four miles distant.

3.—Date of Patent or Charter?

The manor of Cloyne is by prescription; its existence is recognised in the oldest record in Cloyne registry, which is of the 14th century.

4.—Extent of Pecuniary Jurisdiction?

Jurisdiction does not extend beyond 2 *l.* late Irish currency.

5.—How Jurisdiction is enforced?

Jurisdiction is enforced by distress against defendant's goods within the manor.

6.—Description of Cases tried?

Simple contract debts, quantum meruit and assumpsit cases, injuries done by trespass, &c.

7.—Power with regard to Imprisonment?

Cloyne manor court possesses no power to imprison.

8.—If power of Distress, and how levied?

There is a power of distress as far as 2 *l.* Irish currency on goods and chattels within the manor, enforced by the manor bailiff, by virtue of a decree issued by the seneschal.

9.—Number of Courts held in each year from 31st December 1833?

There were only three courts held in 1834, and none in 1835 or 1836; this happened in consequence of the factious opposition made by an individual who refused to attend the court, and the undefined nature of the seneschal's power to enforce the attendance of a jury, without whose assistance he was unwilling to take upon himself to try cases.

10.—Number of Courts adjourned for non-attendance of Jurors, and other causes?

The court has never been adjourned altogether by the present seneschal for non-attendance of jurors; but the court has been frequently delayed, and the public much inconvenienced, by the jury not attending at the proper time.

11.—Number of Cases entered and tried?

This cannot be answered, for the cause stated in reply to query No. 9. Before 1834, when the court sat regularly, the number of processes issued for each averaged about four or five. Of these, however, the greater number were not tried, as the seneschal endeavoured to bring about an arrangement between the parties; and as an inducement to this, he charged but 1 *s.* costs on all cases which were amicably settled.

12.—Number of Appeals, and number of Decrees reversed?

The present seneschal has held that office for 12 years, and during that time there never occurred but one instance of an appeal having been tried, and that one was affirmed by the going judge of assize.

13.—Fees charged?

One shilling for filling and issuing process, 1 *s.* for entering ditto, and 2 *s.* 6*d.* for a decree.

14.—Sums recovered, and amount of Costs?

This cannot be stated, for reasons given in reply to query No. 9.

12 April 1837. *W. Welland*, Clerk, Seneschal.

Manor of Dunmanway.

1. PLACES over which the Jurisdiction extends.	2. Date of Patent.	3. Extent of Jurisdiction.	4. Description of Cases Tried.	5. Power of Imprisonment.	6. Number of Persons Imprisoned.	7. Power of Distress exists, and how Levied.	8. Number of Courts held in each Year.
Lands of Dunmanway, six ploughlands of Kildee, lands of Littergorman, Manligauneff, Lisballid, Kinreagh, Drumlem, O'Cullane, Aghagaud, Ballinacariga, Ardea, Bunemury, Knocks, Knockinoss, Gurranes, Killina, Maulraure, Lisbehogy, Kilcaskin, Budermin, Curbeg, Drumerk and Ardcahan.	5th year of William and Mary.	West, one mile; east, eight miles; south, five miles; and north, three miles.	Small debts.	None.	None.	Sale of the goods and chattels; seldom the case.	17 courts, beginning at March 1834, at which time seneschal's appointment took place.

9. Number of Courts adjourned for Non-attendance of Jurors, or other cause.	10. Number of Cases entered for Trial.	11. Number of Cases Tried.	12. Number of Appeals from Decrees.	13. Number Tried, and how many were Reversed.	14. Fees Charged.	15. Sums Recovered.	16. Amount of Costs.	17. Profession of Seneschal.
None for non-attendance of jurors.	Generally 30 for each day.	About 20	10 for the last 2 years.	1 tried, none reversed.	Process, 1 *s.* 6 *d.*; decree, 2 *s.* 3 *d.*; appeal, 1 *s.*; renewal, 6 *d.*	Not exceeding 40 *s.*; generally very small sums.	About 30 *l.*	A magistrate for the county of Cork.

Alex. J. Cox, Seneschal.

Manor of Inchiquin.

Manor of Inchiquin.

Extent of Jurisdiction?

The extent of this manor is about a circle of seven miles from Killeagh, where the court is held.

Date of Patent?—Fifth Charles Second.

How enforced?—By distress of goods.

What description of Cases?—

Debts contracted by individuals living in the manor.

Amount of Pecuniary Jurisdiction?

By attachment, 14 *l.* 19 *s.* 11 *d.* sterling; by process, 9 *l.* 19 *s.* 11 *d.* sterling.

Imprisonment?—No jurisdiction.

Distress?—Goods or cattle.

Number of Cases for Trial?—2,860, of which 256 came into court.

Number of Appeals?—About 15.

Number of Decrees?—Issued 219.

How many Reversed?—Only one, that I know of, within the last 20 years.

Return of Fees?

5 *s.* 6 *d.* on each decree and 1 *s.* on each process; 4 *s.* 6 *d.* on each dismiss.

Number of Courts held in each year?

Twenty courts have been held each year since 1833.

Amount recovered?—About 650 *l.*

Seneschal neither justice of peace, nor of any legal profession.

James B. Johnson,
Deputy Seneschal.

Appendix (A.)

Cork.

Manor of Kanturk.

Manor of Kanturk.

A List of the Townlands belonging to the Manor of *Kanturk*, over which the Seneschal has jurisdiction under the Patent.

Ballymaquirk.	Frumanut.	Knockalohirt.	Rahur.
Ballygiblin.	Gurtbopuna.	Kilnockin.	Dramanlour.
Ballybane.	Gurtnaseregga.	Knuckelly.	Caolbam.
Ballynomana.	Gurranea Ocragh.	Knockaseragh.	Kilnacroname.
Ballythomas.	Upper Gurteen.	Kiltam.	Clooncluglier.
Ballyhoolehan, West.	Ilandaff.	Knockabullin.	Kilmurry.
Banemore.	Kanturk.	Knockaneglass.	Cloongul.
Ballybohella.	Killunliegh.	Knocknamuck.	Iland Hill.
Ballagh.	Knockararahan.	Laherl.	Cloonbamir.
Coolicusane.	Knocknaghguha.	Milnheragh.	Gurrane, or Killete-
Cooligullun.	Kilbarry.	Monclihane.	ragh.
Curragh.	Knocknacolin.	Park.	Killinane.
Colnamuck.	Ballymuccara.	Rathramra.	Ballygraddy.
Cloonribbon.	Ummerabee.	Roshin.	Ligsnaber.
Cigsilstown.	Kilberiturt.	Rushun.	Ahane.
Drominagh.	Kilgilky.	Rathnagara.	Derryalin.
Derrinbubut.	Kilpatrick.	Rugs.	

With their several denominations.

Kanturk town is the only place I hold a court; and I should suppose the district extends over 15 Irish miles.

I cannot say when the patent was granted.

The pecuniary jurisdiction does not exceed 40 *s.* late Irish currency.

Enforced by the manor bailiff.

The cases tried are the ordinary cases of debt, not exceeding 40 *s.*

There is no power of imprisonment under the patent.

Power of distress does exist under a decree or dismiss (as the case may be), under the hand and seal of the seneschal, which decree or dismiss is grounded on the verdict of 12 jurors on their oaths.

The court is held every three weeks, unless the assizes or quarter sessions intervene.

The number of cases entered for trial are six, on an average, each court day.

The number of appeals from decrees does not exceed two each assizes, and sometimes not one.

No decree has been reversed from 1833, except one on the ground that the defendant did not reside within the manor.

Fees to the seneschal on each decree are 3 *s.* 9 *d.*; on each dismiss, 2 *s.* 1 *d.*

The seneschal has no profession, nor is he a justice of peace.

14 April 1837. *Edward Lloyd*, Seneschal.

Manor of Lemcon.

Manor of Lemcon.

What places does the jurisdiction of Lemcon manor extend to?

To the lands of Ballymystal, in the barony of Fermoy, county of Cork, and other lands in said barony; distant from the Lemcon manor court about 90 British miles.

What is the date of the Lemcon Patent?

The date of the patent of the Lemcon manor court is the 21st day of July, in the first year of the reign of James the Second, 1685.

What is the extent of its Pecuniary Jurisdiction?

Five pounds late currency is the extent of its pecuniary jurisdiction.

How is it enforced?

By a decree against and sale of defendant's goods; but the patent gives the power of arresting and imprisoning the body of defendant until debt be paid.

What

What description of Cases are tried?

Our patent gives the seneschal the power of trying all manner of actions of debt, detinue, trespass, replevin, withernam, second deliverance, and all other mixed actions whatsoever, wherein the debt and damage exceed not the value of 5 *l.*

What is the extent of its power with regard to Imprisonment?

For any debt amounting to 5 *l.* late currency.

What Number of persons imprisoned by the Court?—Not one.

Is the Prison one of peculiar Jurisdiction?—The prison belongs solely to the manor.

Does the power of Distress exist?—It does.

How is the power of Distress levied?—By sale of defendant's goods.

How many Courts have been held from the 1st of January 1834 to the 1st of April 1837?

In 1834, seventeen courts were held; in 1835, ditto; in 1836, ditto; and from the 1st of January 1837 to the 1st of April 1837, four courts have been held.

How many Courts adjourned for non-attendance of Juries?—None.

How many Courts adjourned for other causes?—None.

The number of Cases entered for trial?

Seventy cases entered for trial in 1834; 82 in 1835; 78 in 1836; and from the 1st of January 1837 to the 1st of April 1837, 14 cases.

The number of Cases tried?

In 1834, the number of cases tried was 42; in 1835, the number of cases tried was 53; in 1836, the number of cases tried was 35; and from the 1st of January 1837 to the 1st of April 1837, 14 cases were tried.

How many Appeals from Decrees?

In the years 1834 and 1835, no appeal from a decree; in 1836, one appeal; and in 1837, two appeals.

How many Appeals were Tried; how many Reversed?

No appeal in 1834 or 1835; in 1836, one appeal was tried and affirmed; in 1837, two appeals tried and reversed.

What Fees have been charged?

The fees charged from the 1st of January 1834 to the 1st of April 1837 amount to 99 *l.* 7 *s.* 6 *d.*

What Sums have been recovered?

The sums recovered during the same period amount to 405 *l.* 3 *s.* 11 *d.*

What has been the amount of Costs during same period?

The amount of costs during same period has been 99 *l.* 7 *s.* 6 *d.*

What Legal Profession has the Seneschal?

The seneschal of Lemcon manor court is not a member of any legal profession, nor is he a justice of the peace.

Richard B. Lewis, Seneschal.

Manors of Macroome, Kilcrea and Blarney.

Warren's-grove, Crookstown, 21 April 1837.

Manors of Macroome, Kilcrea and Blarney.

Answer to Query 1.—I can form no idea of the number of manor courts in Ireland; but from my own opinion, I should say they were very numerous. I hold three, viz. Macroome, Kilcrea and Blarney, in the county of Cork, I should say certainly the most extensive and largest in it, under the Earl of Bandon. Macroome, where I hold the court for that manor, is central in situation, and its jurisdiction, in some instances, extends 14 miles, in others 10 or 12, in others less; but it is a very large district. Kilcrea extends, in some instances, 10 miles, in others 12 and less, from the two places I hold my court in; it is a large and extensive district, but not so much so as Macroome. Blarney is smaller, but more populous; and as I have been only just appointed to it, I cannot give much information at present.

2. The patent of Macroome bears date the 18th year of the reign of James the First; the Kilcrea, I believe, is the same; I cannot answer for Blarney; but reference to the clerk of the peace for the county would at once tell that.

3.—The jurisdiction of the three courts extends but to 40 *s.*

4.—It is enforced by a decree, given by a jury of 12; the descriptions of cases are various: wages, breach of contracts, rent of houses, potatoe ground, &c., small shop accounts, &c.

5.—I hold no power of imprisonment whatever; this answers the three next questions.

6.—Of course, power of distress to the amount of 2 *l.* exists by the decree, and is levied by the bailiff of the court.

7.—I have only been appointed since the 4th of January 1837, and I never postponed

Appendix (A.)

Cork.

but one court, and that was in consequence of the assizes then sitting, and the people being obliged to attend; if I had held the courts it would have been attended with great expense to the suitors, who must have processed over a second time.

Manors of Macroome, Kilcrea and Blarney.

8.—The number of cases entered for trial in Macroome, since the 4th of January, was - - - - - - - - - - - - - 277
In Kilcrea - - - - - - - - 62
Total - - - - 339

9.—The number of cases tried in Macroome was - - - 109
In Kilcrea - - - - - - - - - 52
Total - - - - 161

10.—No appeals to any decision that was made in either court.

11.—The fees charged are small; 6 *d.* for the two processes, 7 *d.* for filling and service, 6 *d.* if entered for trial, and 3 *s.* if tried; there have been issued in three months in the two courts,

Macroome - - - - - - - - - 924
Kilcrea - - - - - - - - - 357
Total - - - - 1,281

Processes, averaging 1 *l.* each; so that at a very small expense indeed to the public, and no inconvenience, 1,281 *l.* has been actually collected and paid into the court in the short space mentioned above, making a sum total yearly of 5,124 *l.*; in the collection of which the suitors do not lose an entire day's work, as the courts sit at 10 A.M., and generally rise at 3 P.M.; the cost for the 1,281 *l.* may be about 36 *l.* 11 *s.* 5 *d.*

12.—I hold the commission of the peace for both the counties of Cork and Kerry, and find my having done so of great service.

J. B. Warren.

Manor of Mallow.

1. Court where held.	2. Places over which the Jurisdiction extends.	3. Greatest Distance from Court-house of any Place within Jurisdiction.	4. Dates of Patents.	5. Extent of Pecuniary Jurisdiction.	6. How it is Enforced.	7. Description of Cases Tried.
In the court-house in the town of Mallow.	The castle, manor and town of Mallow, Callinferriekerrie alias Town, Ballyngourald alias Geraldstown, Ballyhough alias Ballylough, The Earl's Wood, Forrencorraghensondry alias Shoemaker's Town, Short Castle alias Castlegarr, Cornignere alias Sheepsbutter, Corrabagh and Cloughlucas, Gortnigraigie, Crossiecherint, Glantanoratilishy, Killetragh, Killenknopson, Killanknockan, Drumbeg, Gortagyvore, Monypadden, Cisenerisgie and Ballyne, Ballynenuntery, Gortgown, Aghtyanytahyne, Cowlroe, Ballyleake, Knocknapature, Leaknolwohy, Ballyhanline, Thuraslome, Lossnagilly, Killtollitty, Northfields, Wheatfield, Gallowshill, Upper and Lower Quartertown, Earlshill, Low Meadow, Killeynegrowhan, Dromslegagh.	Three miles.	21 August 1612, 10 James the First. A charter of incorporation was granted to Mallow on the 27th February preceding the date of this patent; it gives a power to hold a court on every Wednesday, for the recovery of debts, to the amount of five marks, and constitutes it a court of record. In the patent to Mr. John Jephson, a previous grant to Sir Thomas Norris, whose daughter Mr. Jephson married, is referred to, but has been lost.	40 *s.* current money of and in England.	Pursuant to 25 Geo. 3, c. 44, and other Acts. Upon proof of the service of process, the case is tried, inquired into and determined, upon the examination of the witnesses in open court, before the seneschal and jury; a decree made upon the verdict of the jury, and execution against the goods issued thereupon to the bailiff, who levies the amount by distress and sale, as in civil bill cases.	All cases of debt. Insimul computasset, quantum meruit, trover, trespass and detinue, which do not exceed 40 *s.* English.

MANOR OF MALLOW—*continued.*

8. Power with regard to Imprisonment.	9. Whether Power of Distress exists, and how it is Levied.	10. Number of Courts held in each Year, from 31 December 1833. Year.	10. No. of Courts.	11. Number of Courts Adjourned for Non-attendance of Jurors, or other Cause.	12. Number of Processes Issued in each Year.	13. Number of Cases entered for Trial.	14. Number of Cases Tried.
There is not any power of imprisonment.	No power of distress by attachment exists, or any other, except that under the execution issued upon the decree of the court, founded upon the verdict of the jury.	1834 1835 1836 1837 to 3 April.	17 15 17 4	In this year two courts were adjourned, in consequence of the assizes interfering.	425 400 425 104	58 53 57 33 The remainder of those issued (*see* preceding column) being paid off, or settled after the service of the process and before entry, to avoid additional costs.	The number of cases tried is very nearly the same as the number entered, as, in order to save additional costs, few are entered for trial but doubtful and disputed cases; and perhaps a few suffer the causes to progress, having become paupers or made away with their goods.

15. Number of Appeals from Decrees; how many Tried; and how many Reversed in each Year. No. of Appeals.	No. Tried.	No. Reversed.	16. Fees Charged.	17. Sums Recovered.	18. Amount of Costs.	19. Whether Seneschal is of any Legal Profession, or a Justice of the Peace.
1834: 3	–	–	*s. d.* Issuing process 1 – Entering plaint 1 – Execution - - 2 6 Renewal of ditto – 6 Appeal - - 1 – Bailiff for summoning jury - 1 – Ditto for levying execution, for the first 1 *l.* – 6 Every 1 *l.* after – 3	*£. s. d.* About - - 278 16 – Ditto - - 256 – – Ditto - - 278 – – Ditto - - 65 – – Including sums paid on service of the process. Out of 25 (the average number issued for each court), about 20 are recovered. Eight of which, for sums over 1 *l.*, average 1 *l.* 6 *s.* each - - £. 10 8 Twelve under 1 *l.*, average 10 *s.* each - 6 – That is to say, about for each court - 16 8	1834: *£. s. d.* Processes, 425 at 1 *s.* 21 5 – Entries, 58 at 1 *s.* - 2 18 – Executions on decrees and dismisses, 50 at 2 *s.* 6 *d.* 6 5 – Appeals, 3 at 1 *s.* - – 3 – 30 11 – 1835: Processes, 400 at 1 *s.* 20 – – Entries, 53 at 1 *s.* - 2 13 – Executions, 45 at 2 *s.* 6 *d.* - - 5 12 6 Appeals, 6 at 1 *s.* - – 6 – 28 11 6 1836: Processes, 425 at 1 *s.* 21 5 – Entries, 57 at 1 *s.* - 2 17 – Executions, 53 - 6 12 – Appeals, 8 - - – 6 – 31 – – 1837 to 3 April: Processes, 104 at 1 *s.* 5 4 – Entries, 33 at 1 *s.* - 1 13 – Executions, 30 at 2 *s.* 6 *d.* - - 3 15 – Appeals, 3 at 1 *s.* - – 3 – 10 15 –	The seneschal is not of any legal profession, or a justice of the peace.
1835: 6	3	1				
1836: 8	3	–				
1837 to 3 April: 3	2	–				

Henry Hume, Seneschal.

Appendix (A.)

Cork.

Manor of Newcastle and Garricloyne.

Manor of Newcastle and Garricloyne.

I know not how many manor courts now exist in any county in Ireland. The date of the letters patent of the manor of Newcastle and Garricloyne is the 1st day of December, in the fifth year of the reign of King Charles the First, granted to the Right Honourable Dominick Lord Viscount Kilmallock, now the property of the present lord of the manor, John Callaghan, esq., who has given a large sum for the purchase of it. The extent of the manor from the court-house is about seven miles distant. I do not try any sum over 2 *l.*, although I believe I could recover 20 *l.* by the patent; I try debts of every description, losses sustained, &c. &c. I summon a respectable jury of the intelligent farmers of the manor, who I consider fully competent to decide any case that may come before them for trial; they know the good from the bad characters of the country: the latter seldom come before them. There are no manor court decrees issued against the bodies; no gaols or places of confinement; the decree is issued against the goods of the defendant, but not given out until after next court day, as the defendant has the three weeks between both court days for the payment of the debt; this saves him 1 *s.* 6 *d.* cost, as I never charge that unless the decree be taken out to put it into execution. The jury generally make instalments of the debt, according to the circumstances of the defendant; and in case the defendant does not pay each instalment according to the decree, the decree is given out for the remainder. The fees I charge are as follow: to the bailiff, for process and service, 1 *s.* 6 *d.*; if entered for trial, 2 *s.*, which makes 3 *s.* 6 *d.*; this is all the cost I charge, except when the decree is taken out, as mentioned above; in that case the entire cost amounts to 5 *s.*; but in case the defendant be a very poor person I generally charge them the cost of the bailiff only; but there is not more than one case out of five that is not settled before the court-day; I never put these to the cost of a dismiss, as I never give out one. I hold a court every three weeks in the year, except Christmas; that is, 16 courts in the year. There have been 161 decrees granted this last year, and there were 32 dismisses. I had to adjourn the court only twice these nine years for want of a jury; and during that time only three appeals, which were all confirmed by the judge. Any other information that I could give I would with the greatest pleasure.

My opinion of manor courts as a seneschal is, that they should all be done away with, unless they get a power of recovering from 5 *l.* to 10 *l.*; if this was to be the case, you would have respectable and intelligent seneschals, who should give security for their conduct; it would save much trouble, litigation and expense to the country; it would cost the people and their witnesses only part of a day to have their cases tried, without much trouble or expense, in place of having to go to a town at an unseasonable time of the year, taking their witnesses with them, and remaining often an entire week before their business was done; their cost often exceeds the debt they recover, and many persons forgive small debts sooner than have to go and attend a sessions; this is in places where there are no manor courts held; besides all this, you would not have so much hard swearing, as there are very few bad characters in the country that the seneschal and jury do not know, and they would not come before them to prove to any case in which they thought they would be opposed.

Inniscarra, 21 April 1837. *Philip Aulin*, Seneschal.

The following is a Copy of the Date of the Letters Patent, by the Clerk of the Peace.

Manor of Newcastle and Garricloyne.

Letters patent, dated the 1st day of December, in the fifth year of the reign of King Charles the First, granted to the Right Honourable Dominick Lord Viscount Kilmallock.

Peace Office, County of Cork, 19 April 1837. *E. C.*

Manors of Ballyhooly and Newmarket.

Manors of Ballyhooly and Newmarket.

The present inheritor and lord of said manors is Richard Oliver Aldworth, esq., of Newmarket House.

Two patents were granted in the reign of King James the First to Sir Richard Aldworth, knight, one for the manor of Ballyhooly, in the county of Cork, and the other for the manor of Newmarket, in said county of Cork. These patents were passed and regranted by King Charles the Second, in the 14th year of his reign, A. D. 1674, to Richard Aldworth, esq., the successor of said Sir Richard Aldworth, knight, and to his heirs, &c., combining in one patent, though severally expressed, the said several manors of Ballyhooly and Newmarket. The powers and privileges are the same in each respectively. With regard to the manor courts, the words of the patent are as follows: "According to the intention and effect of the commission above mentioned, we grant and give leave to the said Richard Aldworth, and the said persons in remainder, their heirs and assigns, that he and they and each of them respectively, for ever, may and can have and hold a court in nature of a court baron, from three weeks to three weeks, or seldomer, at their pleasure and will, in said manor of Newmarket, to be held at Newmarket aforesaid, or in any other part of the said manor, before some seneschal or seneschals by the said Richard

Richard Aldworth, or by his heirs or assigns respectively, from time to time to be appointed or assigned: And that all and every such seneschal and seneschals from time to time shall and may severally have and execute full power, authority and jurisdiction in the same court to hold pleas of whatsoever debts, covenants, transgressions, accounts, withholdings, causes, contracts and other things, which in debt or loss do not amount to the sum of 40*s.* sterling, good and lawful current money of England, happening, growing, arising, made or performed within the said manor of Newmarket, or in all and every or any of the said castles, towns, villages, hamlets, lands, tenements and hereditaments aforesaid, by these presents limited or appointed to be parcel of the same manor of Newmarket; and to hear, determine and execute in the same court all and singular such and the like actions, causes and matters as ought and is accustomed to be heard, determined and put in execution in any court baron within our said kingdoms of Ireland or England, and also a court leet or view of frank-pledge, and all things to court leet or view of frank-pledge belonging, within the precinct of the manor of Newmarket aforesaid, and of all and singular the rest of the towns, villages, hamlets, lands, tenements and hereditaments beforementioned in these presents, limited or appointed to be part and parcel of said manor, to be held at Newmarket aforesaid, or in some other part of said manor, before some seneschal or seneschals, by the said Richard Aldworth, his heirs or assigns, from time to time to be appointed, constituted or assigned, twice in every year for ever, according to the form of the statute in that case published and provided: And that all and every such seneschal and seneschals from time to time, and each of them, may enjoy and execute full power, authority and jurisdiction in the same court leet or view of frank-pledge, to inquire of all felonies, transgressions, encroachments, deceptions, nuisances, and all other offences, crimes, causes and matters whatsoever which ought or is accustomed to be inquired of in any court-leet or view of frank-pledge, according to the custom of our said kingdom of Ireland, happening, growing or arising within the precinct of said manor, or within all and singular the towns, villages, hamlets, lands, tenements and hereditaments above by these presents limited to be parcel of said manor, and within every parcel thereof. And further, to do, ordain and execute in the said court all and whatsoever that ought and is accustomed to be done, ordained and executed by the laws and customs of our said kingdom of Ireland. And also that he and they may and shall have, hold and enjoy, receive, collect and levy, to his and their proper use and behoof, all and singular fines, amerciaments, issues, profits, forfeitures, perquisites, commodities, casualties and emoluments, from and out of the said several courts, and every of them respectively, issuing, growing or arising, and put themselves in possession thereof, without account thereof to us, our heirs or successors, to be yielded or paid, without any disturbance, molestation, hindrance or grievance from us, our heirs or successors, or from our justices, escheators, sheriffs, bailiffs, or other officers or ministers of us, our heirs or successors whatsoever, any statute, Act, ordinance, restriction, or any other thing, matter or cause whatsoever to the contrary of the premises notwithstanding. And also, that the said Richard Aldworth, his heirs and assigns, may have, levy, possess and enjoy, to his and their own proper use and behoof for ever, all and singular goods and chattels, waifes and estrays, within the precincts of the several manors of Ballyhooly and Newmarket aforesaid, and within all and singular the towns, villages, hamlets, lands, tenements and hereditaments above in these presents limited to be parcel of the same manors respectively, happening or to happen, found or to be found, arising or to arise howsoever, without account thereof to us, our heirs or successors, to be yielded or paid, and that without disturbance, molestation, hindrance or grievance of us, our heirs or successors, or of our justices, escheators, sheriffs, bailiffs, or other officers or ministers of us, our heirs or successors whatsoever."

Here follow the rights of imparking, free chase, free warren, &c. &c.

Richard Oliver Aldworth, the present inheritor, has these patents in his possession; and an attested copy of the patent of King Charles the Second is deposited in the county Crown office at Cork, conformable to the Act 27 Geo. 3. I have acted as seneschal and steward or land agent for the several inheritors of the estate and manor of Newmarket for the last 30 years and upwards. In my office of seneschal I have always acted conformably to the several Acts of Parliament appertaining to manor courts in Ireland, and I never during that period incurred complaint, suit or action against me for any cause or matter arising out of said manor courts, although not being bred to any branch or department of the legal profession. I always made it my practice, in and out of court, to favour an amicable adjustment between the suitors, by mutual arbitration or extension of time for the debt claimed, and the consequence was, that a very few of the processes or summonses issued ever returned into court to be tried, and still vastly fewer of the cases tried were ever appealed. I do not recollect ever being obliged to adjourn a court for want of a proper jury but once in the whole course of my 30 years' experience as seneschal, and I can with confidence assert, that the number of cases tried during that period did not amount to one out of every 100 processes issued; and I can with equal confidence assert, that during the whole period of 30 years there were not 10 of the appeal cases of this manor reversed by the judge of assizes. The several fees and costs charged and chargeable on the proceedings of the manor courts of Newmarket are the same as authorized and limited by the Act 25 Geo. 3, c. 44. The provisions of the Acts 7 & 8 Geo. 4, are observed and acted upon, but the additional fees to the registrar and seneschal, by the 8th Geo. 4, have never been required or charged in this manor court, nor fees charged for trial of trespass, cases for damage feasant, nor for recovery of small debts for sums under 2*s.* 6*d.*, except the sum of 4*d.* to the bailiff for the attachment.

Appendix (A.)

Cork.

Manors of Ballyhooly and Newmarket.

The usage in the court baron of this manor for the recovery of debts by process is, first, the process or summons is issued, signed by the seneschal, returnable on the next court day, for which the seneschal receives 1 *s.* British fee; then if the case comes into court, it is entered in the court-book; fee to the seneschal for entering, 1 *s.* British; then a jury is empanelled to try the case; fee to the bailiff for summoning the jury, 1 *s.* British; then if a defence is entered, the fee to the seneschal is 1 *s.* British; then whichever the case is, decree or dismiss, the fee to the seneschal at signing decree or dismiss is 2 *s.* 6 *d.* British; the fee to an attorney, if any there be to attend to the case, is 2 *s.* British. The decree or dismiss is always against the goods, and to be in force until next court-day, when, if not executed, it may be renewed; the fee for renewal, 6 *d.* British; fee to bailiff for executing a decree or dismiss is 1 *s.* British; if a case be appealed, the fee to the seneschal for taking the appeal and seeing the appeal bond executed is 1 *s.* British. In executing a decree the bailiff seizes the defendant's goods, which are then advertised for sale by public cant, by virtue of the decree; four days intervene between the seizure of the goods and the sale. The plaintiff is always called upon to be present and show the defendant's goods, and if a dispute arise relative to the goods distrained, a court of inquiry is held to ascertain the property. In 1834, nine courts were held, 81 cases were entered, 36 decreed, seven dismissed, and the remainder nilled or mutually settled; four cases appealed; only two of said appeals were tried, and both were affirmed. In 1835, 11 courts were held, 77 cases entered, 41 decreed, eight dismissed, and the remainder nilled or mutually settled; five cases appealed, and only one of said appeals tried; do not know whether it was affirmed or reversed, as the parties then settled. I cannot state the exact number of processes issued in each of the two foregoing years, as no book-account of the processes when issued was ever kept; but having always bought printed processes for the occasion by the 1,000, I can with confidence state that the number issued for those two years exceeded 3,000. In some former years, when tithes were sued for by civil bill process, I have issued over 3,000 processes in each year. In 1836, only one court was held, and that on the 8th of January: the then lord of the said manor, Robert Rogers Aldworth, esq., having died in the latter end of the said month of January 1836, I waited the renewal of my power under his successor, Richard Oliver Aldworth, esq., the present lord of said manor, and he being out of the country in Germany, the business of the court remained at a stand, waiting for his presence at a court leet, to be first held by me under him, according to the usual custom observed heretofore in this manor.

The greater portion of the manor of Newmarket lies in a rather remote district in the north-west of the county of Cork; it contains about 32,000 statute acres, commencing near the town of Kanturk, four miles south-east of the town of Newmarket, and extending without intermission 11 miles north-west of the town of Newmarket, where it is bounded by the counties of Kerry and Limerick; it contains several townland hamlets towards its northern extremity, where the district is hilly and rather mountainous. The ordinary place of holding the court is in the town of Newmarket, but I have held a court in a remote part of the manor, particularly when it was necessary the jury should view the matter in dispute. The bye-laws of the manor refer to several matters, such as its trespass code, fences, boundaries, bye-roads, passages, &c. &c., which are not within the meaning of the Act 25 Geo. 3, or the subsequent Acts for the recovery of debts.

I am not a justice of the peace, nor have I been bred a member of the legal profession.

Richard D. Smith, Seneschal.

Note.—The seneschal who acted in the manor of Ballyhooly under the late Robert Rogers Aldworth, esq., up to 1836, having (I believe) left that part of the country, I do not know whether his appointment has been renewed, or any other seneschal appointed in his stead by the present inheritor, Richard Oliver Aldworth, esq.

Manors of Rathbarry and Gortnahorna.

Rathbarry Manor.

Manors of Rathbarry and Gortnahorna.

This manor extends over the parishes of Ardfield, Kilkerranmore and Rathbarry, and part of Castleventry, and three extensive denominations in the parish of Kilmacabea, and four in the parish of Ross. The three places in Kilmacabea are six miles from where the court is held, which is at Newmill, in the parish of Rathbarry, and nearly in the centre of the manor, which is about 20 miles in circumference.

The charter to the Barrymore or Barry family was obtained 12th December, 2 Charles 1, and the jurisdiction amounts to 5 *l.*, and is used up to 10 *l.*, and enforced by decree.

The description of cases tried are such as are mentioned in the 25th Geo. 3, c. 44, s. 1. There is no arrest of the person. The power of distress necessarily exists to enforce payment, levied by a sale of the distress; if of cattle impounded in the manor pound, in four clear days after seizure, and so of any other effects.

There are 17 courts held in the year, pursuant to the custom of the manor since its establishment; on the breaking up of the court it is regularly adjourned to that day three weeks.

weeks. There have been 56 courts held in this manor from the 28th December 1833 to the 8th April 1837.

I never had a court adjourned for non-attendance of jurors; I always had, and have, a respectable jury empanelled, who attend more from courtesy to myself than from any power I have to compel their attendance, as the 25th Geo. 3, c. 44, s. 2, gives the power to summon, but attaches neither pain nor penalty for disobedience.

On the 28th December 1833, there were 71 processes signed by me and served for this court; 22 of those were entered for trial; there were 19 verdicts for the plaintiffs and three verdicts for the defendants, or dismisses; thus leaving 49 cases settled between the parties by payment of the demand or further indulgence. The fees or costs are those only allowed by the Act aforesaid, (25 Geo. 3, c. 44, s. 7). In order to simplify this return as to the number of cases, I condense it as follows:

28 Dec. 1833 to 13 Dec. 1834.	639 processes filled and signed by myself, and served by the bailiff of the manor, of which there were — 150 verdicts for the plaintiffs, and 9 verdicts for the defendants.
1835, ending Dec.:	538 processes filled, signed and served, &c. 142 verdicts for plaintiffs. 6 verdicts for defendants.
1836, ending Dec.:	406 processes issued, &c. 113 verdicts for plaintiffs. 5 verdicts for defendants.
1837, ending 8 April:	132 processes issued, &c. 29 verdicts for plaintiffs. 1 verdict for defendants.

The apparent decrease of processes is owing to the absence of tithe business.

On the 639 processes and verdicts above, I had this sum - - -	£. 89 12 –
— 538 ditto - - - - - - - - - - -	76 12 –
— 406 ditto - - - - - - - - - - -	63 13 –
— 132 ditto - - - - - - - - - - -	19 16 –
TOTAL - - -	£. 249 13 –

I have had four appeals only from my courts during more than eleven years that I have been seneschal, and each verdict or decree was affirmed, with the highest costs, by the respective judges of assize. One of these appeals was at the instance of a board of magistrates, whose decisions I had frequent occasions to upset when brought before me subsequently on process.

My acquaintance with the law and the customs of the country, and my knowledge of the Irish language, qualify me to administer justice, and I hope leniently, within my sphere of action.

To my bailiff in this manor I give a comfortable house and garden, which I was obliged to purchase in order to avoid holding my courts in public-houses, as my predecessor in office used, and as is too generally done by others. I allow him the emoluments arising from the manor pound, and I give him many other matters besides his poundage on decrees executed as allowed by law; all these perquisites are fully equal to one-third of the entire profits. These I give to avoid the almost general system of the other seneschals, who rent or farm out their manors to their bailiffs, and thus become their tenants, at a rent varying from 20s. upwards per court.

I abolished the system of allowing bailiffs a poll-tax on the residents of manors for not calling on them to serve as jurors. This tax amounts to something very considerable. Where established, it prevents the seneschal who submits to it having a good or even a passable jury. This I have guarded against from the beginning by issuing jury summonses from my panel to the respectable persons within the manor. Those summonses are signed and sealed. One of those I send, as also one of each of my other forms. I do so, as most of the other seneschals have them all scribbled in some way by the bailiffs themselves, who also affix the seneschals' names to them, to save the expense of proper printed forms, as they would have to pay for them out of their own pockets.

In January 1826 I was appointed seneschal of the manors of Timoleague, Gortnahorna and Rathbarry; I continued seneschal of Timoleague until September 1835, when, in consequence of its being too distant from me, I resigned it. I have held but few courts in Gortnahorna manor, as being but small and over 12 miles distant, and the difficulty I had in getting a proper person as bailiff; and being unwilling to connect myself with it, unless properly conducted, I have ceased to attend there, although still the seneschal of it.

Appendix (A.)

Cork.

Manors of Rathbarry and Gortnahorna.

Prior to the passing of the 7th and 8th Geo. 4, c. 59, commonly known as Spring Rice's Act, I addressed that gentleman, and suggested some very important and necessary alterations in the then existing laws affecting manor courts; and amongst others, a graduated scale of the costs according to the amount of the sums sued for and recovered. Mr. Spring Rice replied, and said he regretted not having heard from me earlier, so as to avail himself of my suggestions; he however embraced some of the difficulties I complained of in that Act.

I fear there are few seneschals in this part of the country who can send any return, as the bailiffs only keep scraps of paper from court to court to collect their dues.

Since the year 1815 I have been a member of the Middle Temple, and practised some years in England as a conveyancer; at present I am a student at the Irish bar.

Newtown, Ross Carbery,
14 April 1837.

J. E. Macarthy,
Seneschal.

Manor Court of St. Finn Barr.

1. NAME of MANOR COURT.	2. Places over which the Jurisdiction of the Court extends, and the greatest Distance of any Place within such Jurisdiction, from the ordinary Place of holding such Court.	3. Dates of Patent.	4. Extent of Pecuniary Jurisdiction.	5. How Enforced.	6. Description of Cases Tried.	7. Power with regard to Imprisonment.	8 Number of Persons Imprisoned.	9. Whether the Prison be one of Peculiar Jurisdiction.
St. Finn Barr -	That part of the city of Cork, comprising the very extensive parishes of St. Finn Barr and St. Nicholas, including a considerable portion of the south suburbs and liberties of Cork; also a large portion of the county of Cork, including part of the town of Bandon, a distance of 18 miles from the place of holding such court.	None of the charters or patents can be found, but the court is holden by prescription.	All cases of debt, assumpsit and insimul computasset, not exceeding 10 *l.*, late currency; and all cases of quantum meruit, trover, trespass, or detinue, not exceeding 5 *l.*, late currency.	By summons, in the first instance, and execution against the goods of the party.	All the foregoing description of cases, as enumerated in No. 4.	None.	None.	No prison, but an exclusive manor pound for securing goods taken under the execution of this court.

10. Whether the Power of Distress exists, and how Levied.	11. Number of Courts held in each Year.	12. Number of Courts Adjourned for Non-attendance of Jurors.	13. Number of Cases entered for Trial.	14. Number of Cases Tried.
No power of distress exists, except that under the execution issued upon the decree of the court, and directed to the bailiff thereof.	From 31 December 1833 to 31 December 1834, 21. From 31 December 1834 to December 1835, 19. From 31 December 1835 to December 1836, 20. From December 1836 to present day, 6.	No adjournments; the seneschal being the sole judge, without the aid of a jury, the court being similar to that of the assistant barrister in point of proceeding.	From 31 December 1833 to December 1834, 126. From 31 December 1834 to December 1835, 114. From 31 December 1835 to December 1836, 120. From 31 December 1836 to present day, 36. Independent of the cases entered, a great number of processes issue throughout the year, of which no account has been kept, being settled on service.	From 31 December 1833 to December 1834, 120. From 31 December 1834 to December 1835, 106. From 31 December 1835 to December 1836, 114. From 31 December 1836 to the present day, 35.

MANOR COURT OF ST. FINN BARR—*continued.*

15. Number of Appeals from Decrees, stating how many Tried and how many Reversed.	16. Return of Fees Charged.	17. Sums Recovered.	18. Amount of Costs during the same Period.	19. Is the Seneschal any and what Profession, or a Justice of the Peace.
Only two appeals entered; both tried; one affirmed and the other reversed.	To the seneschal on each process issued 2 s. – d. To the seneschal on the hearing of final decree, where sum under 2 *l.* - - 3 6 To the seneschal on the hearing and final decree, where sum exceeds 2 *l.* - - 5 6 To the seneschal on a renewal of a decree - - - - - - 1 – To the seneschal for each compulsory summons to give evidence - - – 6 Costs allowed each defendant on a dismiss - - - - - - 2 – Attorney's fee, allowed to either plaintiff or defendant who succeeds, if there be one - - - - - - - 2 – *N. B.*—All the previous seneschals charged 5 *s.* 6 *d.* on each hearing, which was reduced by the present seneschal to 3 *s.* 6 *d.*, where the debt was under 2 *l.*	Cannot state the exact amount, but all the decrees issued, and were either paid or amicably arranged.	Cannot state the exact amount of costs received, as there were several processes issued which were never tried or entered, the parties having arranged after being served.	The seneschal is an attorney at law, residing in the city of Cork. The court is held in the manor, at the Consistorial Court of Cork, of which the seneschal is a proctor.

I humbly certify that the foregoing is a full and perfect Return, as required; and I have to remark, that the utility of the manor court of St. Finn Barr is uniformly felt and acknowledged in that part of the city of Cork over which its jurisdiction extends, inasmuch, if it did not exist, suitors would institute proceedings for recovery of their demands in the court of record of the city of Cork, at an expense of from 10 *l.* to 12 *l.*, whereas a similar object is equally attainable here for a few shillings; and whenever a complicated case arises the parties are assisted by counsel. All which I certify this 13th day of April 1837.

Jas. Morgan, Seneschal.

MANOR OF TIMOLEAGUE OR TAGMALOG.

Manor of Timoleague or Tagmalog.

A List of Denominations.

Timoleague.	Baunarough.	Richfordstown.	Gullane.
Rocksavage.	Lehenagh.	Ahafare.	Ballyengil.
Ballinlugue.	Ardmore.	Farran.	Ballycullinane.
Kilbrittain.	Bally M'William.	Ballinamona.	Dunivorley.
Councoum.	Cullinagh.	Ballinvellis.	Gurranenirague.
Greangebeg.	Ballintemple.	Reangegarrageen.	Ballyhutch.
Curragheen.	Aha.	Mohoney.	Cuckoohill.
BallyM'Redmond.	Lackenduve.	Cloughanaspig.	Carrigeen.
Lackarour.	Ardgehane.	Ballyheen.	Ahiminister.
Ballymackeon.	Ringmore.	Ballyhegeen.	Butlerstown.
Knockbrown.	Lessheen.	Sheanagh.	Fortunehill.
Ballymacshoneen.	Barryshall.	Dessart.	Lysley.
Ballycotton.	Greangemore.	Aughidelane.	Currahy.
Moulmore.	Ballycardbeg.	Laharron.	Rawlickey.
Cloughatarrof.	Ballincullipo.	Burrane.	Cloughgriffin.
Ballinlanzy.	Donaghmore.	Flaxforth.	Killivarrig.
BallymacCroneen.	Cahergall.	Knuckeanmuleen.	Turenonane.
Pallace.	Moulmain.	Baurlea.	South Ring.
Barryspoint.	Mounteen.	North Ring.	Gurthnalana.
BallymacCraheen.	Kilshinnihin.	Ballinglanna.	Kilsillagh.
Crogrone.	Marybromore.	Abbeymahon.	Ballinbrokig.
Carhue.	Ballinrugher.	Lettercullum.	Commons.
Lislivane.	Clashatarruff.	Crualie.	Cruary.
Rawharune.	Dovrory.	Ballincurrig.	Ardacro.
Ballincoursey.	Lyscicrimmin.	Ummery.	Ahimmella.

The full amount of denominations being 100.

The greatest distance of any denomination from the town of Timoleague or Tagmalog, where the court is held, is about six miles; but the manor embraces a very large circuit, of about 30 miles.

The charter or patent was granted in the 17th year of the reign of King Edward the Second, and in the year of our Lord 1324.

Appendix (A.)

CORK.

Manor of Timoleague or Tagmalog.

The jurisdiction and practice of this court has been, from time immemorial, to sue for debts to the amount of 10*l.* The abstract from the patent is lodged in the office of the Crown; does not specify the amount of sums recoverable, but 10*l.* is the limit which has always been acted on.

The payment of debts is enforced by decree.

The cases tried are restricted to such as the 25 Geo. 3, c. 44, s. 1, directs.

There is no power of imprisonment.

From the date of my appointment, the 18th September 1834, to the year ending September 1835, there were 17 courts held; from September 1835 to September 1836, there were but 15 courts held, two courts being adjourned in consequence of the assizes intervening; from September 1836, to the present time, nine courts have been held.

The number of cases entered for trial during the above time, for the 41 courts, was 844. Out of that number, 109 were tried and verdicts had on them; there were but two appeals, neither of which had been prosecuted to trial, being made by the parties more to gain time than from the merits of the cases.

On the 844 cases the fees were 90*l.* 6*s.* 6*d.*

The sums recovered amounted to 726*l.* 1*s.* 4*d.* sterling.

The Act of Parliament empowers me to charge on every sum within the jurisdiction 5*s.* 11½*d.*; this I have in no instance done, but have formed a scale of costs, graduating according to the amount sued for; under 40*s.*, the costs 3*s.*, including decree; and over that sum and up to 10*l.*, but 4*s.* costs.

I am of no legal profession, or justice of peace.

New Town, Ross Carbery,
2 May 1837.

Robert Smith,
Seneschal.

DONEGAL.

Manor of Ballyshannon.

COUNTY OF DONEGAL.

MANOR OF BALLYSHANNON.

1. Places over which the Jurisdiction of each Court extends, and the greatest Distance of any Place in such Jurisdiction from the ordinary Places where such Courts are usually held.	2. Date of Charter or Patent.	3. Extent of Pecuniary Jurisdiction.	4. How enforced.	5. What Description of Cases are tried.
The manor extends over the parish of Killbaron, a part of the parish of Dumheme, and a part of the parish of Iunismacsaint. The greatest distance from Ballyshannon, where the courts are held, is nine miles: in this distant part of the manor there are not many inhabitants, it being mountainous. As to the general part of the manor, the town of Ballyshannon is pretty central, about four or four and a half miles distant. The great part of the business done at the court is from the town of Ballyshannon and its immediate neighbourhood.	-- granted 20th year of the reign of King James, 9th April 1623.	--40*s.* late Irish currency.	- - by process served three clear days before the court day. The decree obtained by witness and verdict of a jury; distress levied by seizure of goods and sale, in the same way that the quarter sessions distresses are.	- - shopkeepers' accounts; farmers' dealings for provisions, &c.; promissory notes, contracts, &c.; trespass of cattle, &c.

6. Extent of Power of Imprisonment.	7. Number of Courts held each Year.	8. Number of Courts adjourned.	9. Number of Cases entered for Trial.	10. Number of Cases tried.	11. Number of Appeals.	12. Return of Fees charged.	13. Sums recovered.
1834 - none	9	none	245	89	none	Filling, signing and issuing process – 1 –	£. 88 16 8½
1835 - -	9	none	295	122	none	Bailiff, for service – – 6	145 – 5
1836 - -	9	none	337	152	none	Entry for trial - – 1 –	167 – 11
						Signing decree – 2 6	
						Total – 5 –	

RETURNS

Appendix (A.)

DONEGAL.

Manor of Ballyshannon.

RETURN of FEES for the Years 1834, 1835 and 1836:

YEARS.	Processes issued.	Cases entered for Trial.	Decrees obtained.	TOTAL.	REMARKS.
				£. s. d.	
1834	712 at 1 *s.* 6 *d.* each, including bailiff's fee £. 53 8 –	245 at 1 *s.* each, £. 12 5 –	89 at 5 *s.* each, £. 22 5 –	87 18 –	--leet-money was formerly collected, and amounted to about 45 *l.* yearly.
1835	879 ditto 65 18 6	295 ditto 14 15 –	122 ditto 30 10 –	111 3 6	
1836	1,048 ditto 78 12 –	337 ditto 16 17 –	152 ditto 38 – –	133 9 –	

The seneschal is not a member of any legal profession; has been seneschal of this manor 24 years; not a magistrate.

Rossyvoelan, 12 April 1837. *John Miller*, Seneschal.

MANORS OF BUNCRANA, ELAGH, GREENCASTLE AND MALIN.

Manors of Buncrana, Elagh, Greencastle and Malin.

NAMES of Manor Courts, and County in which they are situate?

Buncrana, Elagh, Greencastle and Malin, situate in the county of Donegal.

Places over which their Jurisdiction extends?

The entire barony of Ennishowen, except a small portion of land belonging to the see of Derry.

The greatest Distance of any Place within such Jurisdiction from the ordinary place or places of holding such Courts?

These manors are so much connected, that it would be very difficult to make returns separately for each; but the greatest distance from the ordinary places of holding courts is about 11 miles.

Dates of Patents or Charters granted to such Courts?

Date of the first charter, 22d February 1609; second, 29th August 1616; and the third, dated 20th November, 1621. There are other charters, the dates of which I could not ascertain.

Extent of Pecuniary Jurisdiction?—£. 20, late currency.

How it is enforced, and what Description of Cases are tried?

Enforced by decree for goods. Actions of trover, assumpsit and damages are tried.

Extent of their Power with regard to Imprisonment?

They have not any power to imprison.

Number of Courts held in each Year, beginning from 31st day of December 1833?

I was appointed seneschal of these manors in January 1837, and held courts for each in February and March.

Number of Courts adjourned for Non-attendance of Jurors or other cause?

There was not any court adjourned for non-attendance of jurors, or other cause; and I have been informed that no such adjournment ever took place in any of these manors.

Number of Cases entered for Trial?

Since I became seneschal, 900 pairs of processes were issued, and 135 cases entered for trial.

Number of Cases tried?—One hundred and twenty-six cases tried.

Number of Appeals from Decrees, how many tried, and how many reversed?

During the above period there were in all four appeals from decrees, two of which were tried and affirmed, one was compromised before it came to trial, and one is still to be tried.

Fees charged?

One shilling for each process or summons; 4 *s.* 6 *d.* for each entry; making 5 *s.* 6 *d.* costs on each decree.

Sums recovered, for which Decrees issued since my Appointment?—£. 178. 5 *s.* 1 *d.*

Amount of Costs since my Appointment, on the above Sums, recovered by Decree?

£. 37. 2 *s.* 6 *d.*, besides fees on processes issued, but not entered for trial, which amount to 38 *l.* 5 *s.*

Is the Seneschal or Steward a Member of any and what Legal Profession, or a Justice of the Peace?

I served an apprenticeship in the registry of the consistorial and metropolitan court of Armagh, and am now, and have been for some years past, deputy registrar of that court.

I have delayed making the foregoing return until now, hoping to obtain further information from the family of my predecessor in the office of seneschal; but finding that there is not much probability of obtaining such information, I hasten to furnish so much as I possess myself, and hope it may not be too late.

A considerable portion of the emoluments of these manors arises from leet-money; but having been so recently appointed, I am unable to state the amount with any degree of accuracy.

27 April 1837. *Robert Riddall*, Seneschal.

MANOR OF BURLEIGH.

1. Name of Manor, and Date of Patent.	2. To whom made.	3. Power of Distress, and how enforced and levied.	4. Pecuniary Jurisdiction.	5. Jurisdiction over which Power of Patent extends.	6. Greatest Distance of Jurisdiction from place of holding Court.	7. Description of Cases tried.
Burleigh, in the barony of Raphoe & county Donegal. Dated 19th Mar. in the 15th year of the reign of Charles 1.	- - to Martin Basil, esq.	- - a court-leet before the seneschal appointed by the said Martin Basil, his heirs and assigns, from time to time to be constituted and appointed twice in every year for ever; such seneschal to enjoy power to make, ordain and execute in the said courts whatsoever things as in any court-leet or view of frankpledge can, ought and are accustomed by the laws and customs of the kingdom of Ireland to be ordained and executed; and also licensed to hold a court-baron from three weeks to three weeks, or seldomer, at their will and pleasure, with authority to inquire into pleas of debts, covenants, transgressions, accounts, detinue causes, contracts, and other things. Enforced and levied against goods by bailiff.	- not amounting to 40 *s.* English money, by power of patent.	- - Dromore, Rosbracke, Dromany, Maghreboy, Dromonardagh, Cononaght, Luigabracke, Dromoghill, Listellan, Aghlehard, Towmeneferry, Lurga, Glonkearne, Castletonison, Cornegillagh, Ardakellan, Fannedoricke, Lisnaaur, Loughcan, Carcke.	- - about four miles.	- - cases of common debt, trover, trespass, detinue, &c.

8. Number of Courts held in each Year.	9. Number of Cases for Trial in each Year.	10. Number of Cases tried in each Year.	11. Sums recovered in each Year.	12. Amount of Costs received in each Year.	13. Amount of Fees charged.	14. Appeals to Judges of Assize, and how many.	15. REMARKS.
From 5th May 1834.			£. *s.* *d.*	£. *s.* *d.*			
1834 - 2	- in 1834 - 4	- in 1834 - 2	- in 1834 4 - -	- in 1834 - 11 6	- - at entry of process, 1 *s.* 6 *d.*	- - no appeal made.	- - there is not much litigation in this manor, principally, I think, owing to the greater proportion of it being in large farms. I was appointed seneschal by Sir Edmond S. Hayes, Bart., 17th March 1834. Is not of legal profession.
1835 - 2	1835 - 12	1835 - 2	1835 - 15 4½	1835 1 3 6	At entry of for trial, 2 *s.*		
1836 - 4	1836 - 63	1836 - 3	1836 2 18 3	1836 5 16 6	On taking out decree, 2 *s.*		
1837 - 1	1837 - 24	1837 - 1	1837 - 15 -	1837 2 1 6	For summons, 6 *d.*		
					For appeal, 1 *s.*		

(signed) *John Wallwood*, Seneschal.

MANOR OF CASTLE BOYLE.

TOWNLANDS comprehended in the Manor?

Aghalatine, Ballymore, Brockas, Carneymady, Cashilmore, Clonmass, Clunemore, Creenasmere, Derryart, Hougher (Upper and Lower), Glack, Glassme, Gortuclick, Kildoragh, Kilmackloo, Knocknafougher and Suilybrin.

Greatest Distance from the ordinary Place (Derryart) of holding the Court?

Three miles, and 16 miles from (Letterkenny) the nearest quarter sessions town.

Date of Letters Patent?—1st July, in the 15th year of the reign of Charles 1.

Pecuniary Extent of Jurisdiction?—£. 1. 19 *s.* 11 ½ *d.* sterling.

How enforced?

When I came here in the year 1813, now 23 years past, the seneschal at that time proceeded both by civil bill process and distringas, at the option of the plaintiff, or as the emergency of the case required. This method I adhered to up to the passing of the 7 Geo. 4, when I relinquished the proceedings by distringas, and confined them to civil bill process, as a more summary mode.

Description of Cases tried?

Plea of all debts, covenants, transgressions, accounts, detinue causes, contracts, and other things which in debt or damage do not amount to the sum of 40 *s.* English money.

Extent of Power with regard to Imprisonment?—No power to imprison.

What power of Distress exists?

By distringas; see also 25 Geo. 3; 7 Geo. 4; and 7 & 8 Geo. 4.

Number of Courts held in the year 1834?—Two.

Number of Courts held in 1835?—One.

Number of Courts held in 1836?—Four.

Number of Courts adjourned for Non-attendance of Jurors, or other causes?

None.

Number of Cases entered for Trial?—Twelve.

Number of Cases tried?—Twelve.

Number of Appeals?—None.

Fees charged?—Charge for decree 5 *s.* 6 *d.*; and see 25 Geo. 3, for particulars.

Sums recovered?—£. 8. 17 *s.*

Amount of Costs?

£. 7. 18 *s.* for this, and manor of Purtin Island.

Is not a member of any legal profession, nor a justice of the peace.

The letters patent have also granted a court-leet or view of frankpledge, with power to make rules and regulations for the manor, and to collect, receive and enjoy a certain leet-money, as a perquisite arising from said court-leet.

Ards House, near Dunfanaghy, 7 April 1837. } *David M'Kelvey.* Seneschal.

MANOR OF CASTTIFIN.

1. Places over which Jurisdiction of each Court extends.	2. Greatest Distance of any Place in Jurisdiction from where Court is held.	3. DATE of PATENT.	4. EXTENT of JURISDICTION.	5. How it is enforced.	6. What Description of Cases tried.
TOWNLANDS. Avittygorl, Ardnagana, Bellybun, Betall, Belligunnegan, Bellyarrill, Ballenain Upper, Ballenain Lower, Connakilty, Cavenarvury, Coolyslin, Cloughfin, Conillion, Casttifin, Cloughard, Cashelen, Carnadou, Upper and Lower, Cloonarrell, Upper and Lower, Carrikrear, Cruvorow, Corlea, Cronalaughey, Drunbaru, Drunnaha, Drundort, Drunionnell, Dunyloop, Drunagh, Drunnahau, Demesnes, Dungormen, Drumaspley Upper, Drumurphy Lower, Drumiannon, Drumfergus, Drummarish, Upper and Lower, Eglybane, Edinohell, Fern, Upper and Lower, Firfin, Gortkilty, Graffy, Gortfad, Gortnamink, Glenuly, Gortinnagh, Garison-hill, Knockranun, Lisnamilligan, Upper and Lower, Lisanullyduff, Litterdaron, Maghrycailaghan, Mullenbuoy, Maghryreagh, Meadow-close, M'Ginis-park, Munlockar, Mountain-common, Munteskybane, Mimreagh, Mimelaught, Munagolan, Mienahimush, Monellon, Peardon's-park, Racos, Upper and Lower, Rushy-hill, Skelpy, Stranamuck, Tullyard, Taunacrum, Turnagussany, Timbrack, Tavenaghpole-park.	four miles -	- - 8th day of March, in the 14th year of the reign of Charles 1.	- - £. 5, late Irish currency, or 4 *l.* 12 *s.* 3 ¾ *d.* British.	- - by a decree for goods or chattels.	- for debts not exceeding 4 *l.* 12 *s.* 3 ¾ *d.* British.

(*continued*)

7. Number of Courts held each Year.	8. Number of Courts adjourned.	9. Number of Cases entered for Trial.	10. Number of Cases tried.	11. Number of Appeals tried and reversed.	12. RETURN of FEES CHARGED.
Twelve, being one each month; number of processes issued for each court average about 30.	- - one, in consequence of assizes being held on the day appointed for court.	143	121	- - but one tried, and it was affirmed.	s. d. - - for issuing process 1 – Entering plaint - - 1 – Signing decree - - 2 6 4 6 Total amount of fees received since 31st December 1833, about 82 *l.* 4 *s.*

26 April 1837.

MANOR OF DONEGAL.

1. Places and Extent of Jurisdiction.	2. Date of Charter.	3. Extent of Pecuniary Jurisdiction.	4. How enforced.	5. What Description of Cases tried.	6. Extent of Power of Arrest.	7. Number of Courts held.	8. Number of Courts adjourned for want of Attendance of Jurors.	9. Number of Cases entered for Trial.
Thirty-seven townlands, together with the town of Donegal; distance 10 miles.	- 9th April 1623.	£. 2 - -	- - by process and decree.	- - goods sold, cash lent, &c.	none - -	- - in the year 1834, 12; in the year 1835, 12; in the year 1836, 12.	none - -	- - in the year 1834, 507; in the year 1835, 629; in the year 1836, 680.

10. Number of Cases tried.	11. Number of Appeals from Decrees.	12. Number of Appeals tried.	13. Number reversed.	14. Fees charged, including Costs.	15. Sums recovered.	16. Amount of Costs.	17. Any of the Legal Professions.	18. If Power of Distress exists.
In the year 1834, 97; in the year 1835, 127; in the year 1836, 135.	none - -	none - -	none - -	- - in the year 1834, 51 *l.*; in the year 1835, 63 *l.* 14 *s.*; in the year 1836, 68 *l.* 12 *s.* 6 *d.*	in the year 1834, 178 *l.* 16 *s.* 7 *d.*; in the year 1835, 228 *l.* 16 *s.* 6 *d.*; in the year 1836, 269 *l.* 10 *s.* 6 *d.*	in the year 1834, 26 *l.* 13 *s.* 6 *d.*; in the year 1835, 34 *l.* 18 *s.* 4 *d.*; in the year 1836, 37 *l.* 2 *s.* 6 *d.*	none - -	yes.

Anthony Divir, Seneschal.

MANOR OF KILLYBEGS.

Manor of Killybegs.

1. THE manor of Killybegs extends to three baronies, namely, Banagh, Baylagh, and Tynehugh. A court is held quarterly in each of the above places. The greatest distance, I believe, is 25 miles, or thereabout.

2. Return of the Dates of Patents or Charters granted to such Courts?—I do not know. I was appointed by licence from the late Lord Bishop of Raphoe, in the year 1823, and also by licence granted by the Lord Bishop of Derry and Raphoe, in the year 1834.

3. Return of the Pecuniary Jurisdiction?—The pecuniary jurisdiction extends to all the townlands appertaining to the manor of Killybegs. No imprisonment within this manor. There is a bailiff appointed for each barony to execute all decrees, &c., issued from the courts, who levies the distress on goods and chattels pointed out to him by the plaintiff.

The

The number of courts held in each year, 90.
Number of courts adjourned for non-attendance of jurors, none.
Number of cases entered for trial, 120.
Number of cases tried, 90.
No appeals. No decree has ever been reversed since my appointment.
Fees charged, 1 *s.* for process and service.
Sums recovered from 10 *l.*, late currency, downwards.

	£.	*s.*	*d.*
The amount of cases tried, at 4 *s.* 6 *d.* - - - -	1	8	–
Each number of cases entered and not tried - - -	–	4	10
Amount of process issued, at 1 *s.* each - - - -	1	5	–
£.	2	17	10

The amount of costs during the same period of years, 150 *l.*
No other profession whatever.

Glentris, 11 April 1837. *Isaac O'Donnell,* Seneschal.

MANOR OF KILMACRENAN.

Manor of Kilmacrenan.

1. Places over which the Jurisdiction of each Court is held, and the greatest Distance of any Place in such Jurisdiction from the ordinary Places where such Courts are held.	2. Date of Patent or Charter.	3. Extent of Pecuniary Jurisdiction.	4. How enforced.	5. What Description of Cases are tried.
The manor extends over a great part of the barony of Kilmacrenan and barony of Tyrhugh; the present seneschal holds no courts in Kilmacrenan: when he got his appointment from Trinity College, Dublin, it was to be understood, that he would only hold his courts in that part of the manor in the barony of Tyrhugh. This part of the manor, in the barony of Tyrhugh, extends over a large district of country, in the parishes of Innesmacsaint, Dumheme and Donegal; the seneschal, for the convenience of the people, holds his courts in different parts of the manor, namely, Laugey, Ballintra and Bunderan, which makes the distance in each district three and a half or four miles.	- - 29 August 1611, reign of James 1, to the provost, fellows and scholars of Trinity College, Dublin.	- - 5*l.* late Irish currency.	- - by process, served three clear days before the court day. Decree obtained by witness and verdict of a jury; distress levied on defendant's goods, and sold after a public advertisement.	- - shopkeepers' accounts; farmers' dealings for different articles, &c.; promissory notes and contracts; trespass of cattle.

6. Extent of Power of Imprisonment.	7. Number of Courts held each Year.	8. Number of Courts adjourned.	9. Number of Cases entered for Trial.	10. Number of Cases tried.	11. Number of Appeals.	12. Return of Fees charged.	13. Sums recovered.
							£. *s.* *d.*
none	1834 - - 12	none	338	72	none	Filling, signing and issuing process – 1 –	162 7 8
	1835 - - 12	none	457	106	none	Bailiff, for service – – 6	174 4 10½
	1836 - - 12	none	459	140	none	Entry for trial - – 1 –	217 19 4½
						Signing decree – 2 6	
						Total £. – 5 –	

Appendix (A.)

DONEGAL.

Manor of Kilmacrenan.

RETURN of Fees for the Years 1834, 1835 and 1836.

YEARS.	Processes issued.	Cases entered for Trial.	Cases tried.	TOTAL.	REMARKS.
				£. s. d.	
1834	756, at 1 *s.* 6 *d.*, including bailiff's fee, £. 56 14 –	338, at 1 *s.* each, £. 16 18 –	72, at 5 *s.* each, £. 18 – –	91 12 –	- - leet-money was formerly collected, which
1835	799 ditto 59 18 6	457 ditto 22 17 –	117 ditto 26 15 –	109 10 6	amounted yearly to
1836	880 ditto 66 – –	479 ditto 23 19 –	140 ditto 35 – –	124 19 –	above 50 *l.* in that part of the manor in the barony of Tyrhugh.

The seneschal is not a member of any legal profession, nor a magistrate.

Rossyvoelan, 12 April 1837. *John Miller*, Seneschal.

MANOR OF MOUNT CHARLES.

Manor of Mount Charles.

THE jurisdiction of the manor court of Mount Charles, in the county of Donegal (of which court I was seneschal), extends six miles in the parish of Inver in said county, and one mile in the parish of Killymard; and the greatest distance of any place within such jurisdiction is about six miles from Mount Charles, where said court was held.

The date of the charter granted for holding said court is the 23d day of January, in the 36th year of the reign of Charles 2.

Extent of the pecuniary jurisdiction, 5 *l.*

It has been enforced by decrees against the goods; as I have never granted a decree against the person, for the reasons hereinafter stated.

I have heard claims of every description to the amount above stated.

I conceive I had the power of imprisoning by the charter; but inasmuch as there was no place of imprisonment within the manor, I could not commit the persons; therefore I never have granted decrees against the body.

The power of distress exists, and the seneschal has the power of levying by seizing and selling by auction the goods of the defendant, wherever found within the manor.

I was appointed seneschal of the manor by the late Marquis Conyngham, and in consequence of his death, no court has been held since April 1833; my deputation not having been renewed by the present Marquis.

William Nesbitt, late Seneschal.

29, Molesworth-street, Dublin, 5 May 1837.

MANORS OF MOUNT STEWART, COOL M'ILTRAIN, ROSS CUNNINGHAM AND CASTLE CUNNINGHAM.

Manors of Mount Stewart, Cool M'Iltrain, Ross Cunningham and Castle Cunningham.

I HELD, about 12 or 13 years ago, four manor courts, as seneschal for the following manors: Mount Stewart, Cool M'Iltrain, Ross Cunningham, and Castle Cunningham, in the county of Donegal.

Date of Patent?

For Mount Stewart, 7th May, in the 5th year of the reign of King Charles 1.
Cool M'Iltrain, 14th July, in the 6th year of the reign of Charles 1.
Ross Cunningham, 5th June, in the 5th year of the reign of Charles 1.
Castle Cunningham, 23d May, in the 5th year of the reign of Charles 1.
Their pecuniary jurisdiction, 2 *l.* late currency.

How it is enforced, and what Description of Cases tried?

Actions in debt are only tried, and thus: by summoning the party, serving such summons seven days before the day of trial; swearing a jury to try the action; and issuing a decree pursuant to their verdict against the goods of the defendant.

I believe there is a power to compel appearance by distress.

I did not hold any court for the last 12 or 13 years.

I am by profession an attorney.

Not having acted for so considerable a period, I am prevented from replying to many of the queries. There is not, nor has there been any acting seneschal in these manors lately, or since I discontinued.

Londonderry, 5 April 1837. *Isaac Colhoun.*

MANOR OF ORWELL.

1. Name of Manor.	2. Date of Patent.	3. To whom made.	4. Power of Distress, and how enforced and levied.	5. Pecuniary Jurisdiction.	6. Jurisdiction over which Power of Patent extends.	7. Greatest Distance of Jurisdiction from Place of holding Court.	8. Description of Cases tried.
Orwell, in the barony of Raphoe, and county Donegal.	- - dated 19th March, in the 14th year of the reign of Charles 1.	- - to Martin Basil, knight.	- - a court-leet before the seneschal. Seneschal appointed by Martin Basil, or his heirs, twice in each year; such seneschal to enjoy full authority and jurisdiction in said courts, in such matters as ought and are wont to be inquired into, according to the custom of the kingdom of Ireland; and a court-baron every three weeks, and authority in such court to inquire into debts not amounting to 40 *s.* English money. Enforced by decree against goods, and levied by bailiff.	- - not amounting to 40 *s.* English money, by power of patent.	- - the following townlands: Lithmore, Leighland, Leightranamonagh, Tamafaris, Tramtakeel, Conaghamongan, Cappray Monahan, Liscreeny, Dowish, Callan, Callancor, Lisegarban, Brolee, Cloughroy, Maghrynavale, Cancreeny, Liskenan, Kincreevy, Minnovoy, Criggan, Drumbor, Shane Creggan, Creggan Nowtra, Cashelnagown, Strabofry, Canias, Newna, Goland, Meinimore, Carrickmagrath.	- - about five miles.	- - cases of common debts, trover, trespass, detinue, &c.

9. Number of Courts held in each Year.	10. Number of Cases for Trial in each Year.	11. Number of Cases tried in each Year.	12. Sums recovered in each Year.	13. Amount of Costs received in each Year.	14. Amount of Fees charged.	15. Appeals to Judge of Assize, and how many.	16. REMARKS.
			£. *s.* *d.*	£. *s.* *d.*			
In 1834 - 8	in 1834, 114	in 1834, 18	in 1834, 13 12 1	in 1834, 10 15 –	- - at entry of process, 1 *s.* 6 *d.*; at entry for trial, 2 *s.*; on taking out decree, 2 *s.*; for summons, 6 *d.*; for appeal, 1 *s.*	- - one appeal only in 1835, affirmed with costs on hearing before Baron Pennefather.	- - I was appointed seneschal by Sir Edmund Samuel Hayes, Bart., 17th March 1834, the former seneschal having died. I am not of legal profession.
In 1835 - 10	1835, 216	1835, 27	1835, 39 9 6½	1835, 19 6 –			
In 1836 - 10	1836, 278	1836, 35	1836, 56 11 9½	1836, 25 5 –			
Up to 30th March 1837, three.	1837, 168	1837, 12	1837, 12 18 –	1837, 14 4 –			

John Wallwood, Seneschal.

MANOR OF PURTIN ISLAND.

Manor of Purtin Island.

TOWNLANDS comprehended in the Manor?

Arrarney, Breaghey, Corcregan, Dunfanaghy, Fawnmore, Figart, Greenhill, Magheramena, Murrow, Purt, Upper and Lower, Rancrow, Rinclevin, Rockhill, Roslime, Sandhill, and Woodhill.

Greatest Distance from the ordinary Place (Dunfanaghy) of holding the Court?

Two miles; and 20 miles from (Letterkenny) the nearest quarter sessions town.

Date of Letters Patent?

Nineteenth of February, in the 15th year of the reign of Charles 1.

Pecuniary Extent of Jurisdiction?—£1. 19 *s.* 11½ *d.* sterling.

How enforced?

When I came here, in the year 1813, now 23 years past, the seneschal at that time proceeded both by civil bill process and distringas, at the option of the plaintiff, or as the emergency of the case required. This method I adhered to up to the passing of the 7 Geo. 4, when I relinquished the proceedings by distringas, and confined them to civil bill process, as a more summary mode.

Appendix (A.)

DONEGAL.

Manor of Puitin Island.

Description of Cases tried?

Plea of all debts, covenants, transgressions, account, detinue, causes, contracts, and other things, which in debt or damage do not amount to the sum of 40 *s.* English money.

Extent of Power with regard to Imprisonment?—No power to imprison.

What power of Distress exists?

By distringas; see also 25 Geo. 3; 7 Geo. 4; and 7 & 8 Geo. 4.

Number of Courts held?—In the year 1834, three; 1835, three; 1836, five.

Number of Courts adjourned for Non-attendance of Jurors, or other causes?—None.

Number of Cases entered for Trial?—Nineteen.

Number of Cases tried?—Fourteen.

Number of Appeals?—None.

Fees charged?—Charge for decree, 5 *s.* 6 *d.*; and see 25 Geo. 3. for particulars.

Sums recovered?—£. 11. 8 *s.* 3 *d.*

Amount of Costs?—£. 7. 18 *s.* for this, and manor of Castle Boyle.

Is not a member of any legal profession, nor a justice of the peace.

The letters patent have also granted a court-leet, or view of frank-pledge, with power to make rules and regulations for the manor; and to collect, receive and enjoy a certain leet-money, as a perquisite arising from said court-leet.

David M'Kelvey, Seneschal.

Ards House, near Dunfanaghy, 7 April 1837.

Manor of Rathmullan.

MANOR OF RATHMULLAN.

1. Date of Patent.	2. Extent of Pecuniary Jurisdiction.	3. How enforced.	4. Description of Cases tried.	5. Power of Imprisonment.	6. Number of Persons imprisoned under Decree.
Refer for this information to patentee or his law agent.	- - 2 *l.* late Irish currency.	- - by levy, decree.	- - small debts, by civil bill.	- - refer for this to patentee or his law agent, Richard Babington, Esq. No. 4, Summer-hill, Dublin.	not any.

7. Power of Distress, and how levied.	8. Number of Courts held each Year, from 31 Dec. 1833 to 31 Dec. 1836.	9. Number of Cases entered for Trial.	10. Number of Cases tried.	11. Fee charged and Costs recovered.	12. Sums recovered.
				£. *s.* *d.*	£. *s.* *d.*
By civil decree, as in column 3.	- - two courts held in 1834.	five in 1834	five in 1834	in 1834, 1 7 6	in 1834, 2 7 -
	One court held in 1835.	two in 1835	two in 1835	in 1835, - 11 -	in 1835, 1 - -

No courts were adjourned from want of jurors or any other cause, nor were there any appeals from decrees tried or reversed. Seneschal not being a member of any legal profession, nor a justice of the peace.

Any reference respecting patent or powers granted by it, to be inquired of at 4, Summer-hill, Dublin, patentee's solicitor, Richard Babington, Esq., Attorney at law, or Thomas Atkinson, Esq., No. 10, Fitzgibbon-street, Dublin, Receiver appointed by Court of Chancery.

MANOR OF STRANORLAR.

Manor of Stranorlar.

THE townlands over which the jurisdiction of the court extends, are Stranorlar, Mullendreat, Treanamullion, Gortletragh, Knockfair, Terallen, Castlebawn, Kilross, Tiveackmoy, Dunvilly and Lettermakenny, in the parish of Stranorlar; and Dreenan, Naveney, Knock, Glencovit, Corefron, Corgarey, Trusk, Kinletter, Tivecloughagh and Lessiogh O'Neil, in the parish of Donaghmore. The greatest distance to which the jurisdiction of the court extends from the town of Stranorlar, where the court is held, is three miles. (Date of the charter explained below.) The court can recover to the amount of 4 *l.* 12 *s.* 3 *d.*, or 5 *l.* Irish currency, which is enforced only by levying distress by the seneschal's bailiff; the court having no power to imprison vested in it. The court has been held eight or nine times in the year since 31st December 1833, and only one court adjourned for the non-attendance of jurors; 43 cases entered for trial, all tried; 8 dismissed; 35 decrees granted for the net sum of 41 *l.* 5 *s.* 6 *d.*, not including costs, which amount to 11 *l.* 16 *s.* 6 *d.* There was only one appeal, which was not tried.

A copy of the charter or patent was lodged by me with the clerk of the peace of this county (the proper officer); on calling on him for the date of it, after diligent search, it is mislaid, and at present cannot be found, which is the cause of such delay in this answer: I understand it was in existence for upwards of a century; the original is in the Rolls-office, Dublin. Nine-tenths of the cases were settled without trial in this court.

29 April 1837. *William Walker.*

MANOR OF TERMON MAGRATH.

THE manor of Termon Magrath extends over all that part of the parish of Templeram which is in the county of Donegal and barony of Tyrhugh; its furthest extent from the town of Pettigo, where the court is held, is about six Irish miles.

The patent bears date the 7th December 1610.

The extent of pecuniary jurisdiction is 40 *s.* Irish; it is enforced by civil bill, except in peculiar cases, where the defendant is about to abscond; then an attachment is issued against the goods.

The cases tried are of debt, assumpsit, trover, trespass or detinue.

The court has not the power to imprison; the power of distress is by decree, upon the verdict of a jury, and execution issued thereon, returnable on the next court day for the sum found due by such verdict, together with 5 *s.* 11 ½ *d.* Irish, costs, directed to the bailiff of the manor against the goods of the defendant, in the same manner as judges of assize are empowered to award executions upon civil bills.

1834:	courts held,	13;	adjourned,	4;	entered for trial,	157;	tried,	33;	appealed,	none.
1835:	—	11	—	6	—	78	—	32	—	—
1836:	—	9	—	8	—	78	—	22	—	—
Part of 1837	—	5	—	–	—	72	—	17	—	one.

It is not in my power to give a return of the amount of costs received for the years above mentioned, as I kept no account of the receipts for summonses, processes, attachments, renewals or other fees received, except of the cases entered for trial: I compute the amount to be between 40 *l.* and 50 *l.* per annum.

I cannot say the amount of the sums recovered; there are a few outstanding decrees that seldom or never are executed; they are paid by instalments, within three months from the date of the trial, by direction of the seneschal and jury; except when decrees are brought for renewal, I have no means of ascertaining the amounts recovered or paid on the decree.

4 April 1837. *Hezlett Hamilton*, Seneschal.

COUNTY OF DOWN.

MANOR OF ARDGLASS.

THE jurisdiction is over 14 townlands; extent, five miles. Date of patent, seventh year of the reign of Henry 8. One court each month; extent of its power, 99 *l.* 19 *s.* 11 ¾ *d.*; has no power to imprison the body. The cases tried are for debt. No appeals from the decrees of this court for the last seven years. No adjourned courts for want of jurors. This court has the power of distress, which is levied on the goods.

Pecuniary jurisdiction and how it is enforced?

		£.	s.	d.
Year 1833,	84 processes issued, 1 *s.* each	4	4	–
—	34 cases tried for debts, and decrees issued	6	8	11
—	50 settled by arbitration		—	
	Leet-money	20	–	–
	£.	30	12	11

		£.	s.	d.
Year 1834,	70 processes issued, 1 *s.* each	3	10	–
—	20 cases tried for debts, and decrees issued	3	15	10
—	30 settled by arbitration		—	
	Leet-money	18	–	–
	£.	25	5	10

		£.	s.	d.
Year 1835,	63 processes issued, 1 *s.* each	3	3	–
—	27 cases tried and decrees issued	5	2	4
—	36 settled by arbitration		—	
	Leet-money	20	–	–
	£.	28	5	4

Joseph Saunders, Seneschal, and a Magistrate for the County.

Appendix (A.)

Down.

Manor of Bangor.

Manor of Bangor.

Manor of Bangor contains 29 townlands.
Three miles the greatest distance from court-house in town of Bangor.
Patent granted to James Hamilton, by James I. third year of his reign, 5th November.
Pecuniary jurisdiction, 18 *l.* 9 *s.* 3 *d.*; enforced by attachment against goods and decrees on process.
No power to attach or grant decree against the body.

Court Day.	Number of Processes issued.	Number of Processes entered and tried.	CAUSES OF ACTION.	Amount of Decrees.	Amount of Fees.
				£. s. d.	£. s. d.
1834:					
9 January -	10	- -	- - - - - - - -	- - -	- 15 -
		3	goods sold and delivered -	3 10 2	- 12 -
		1	cash lent - - - -	1 2 -	- 4 -
		1	- - work and labour done and goods sold.	dismiss	- 4 -
30 January -	10	- -	- - - - - - - -	- - -	- 15 -
		1	goods sold and delivered -	3 16 5	- 4 -
		1	work and labour done - -	1 19 10	- 4 -
		1	nursing of a child - - -	- 15 -	- 4 -
		1	cash lent - - - -	- 17 3½	- 4 -
		1	maintenance of a child - -	dismiss	- 4 -
20 February	6	- -	- - - - - - - -	- - -	- 9 -
		1	use of a horse - - -	1 - -	- 4 -
		1	goods sold and delivered -	dismiss	- 4 -
13 March -	3	- -	adjourned - - - -	- - -	- 4 6
24 April -	5	- -	ditto - - - -	- - -	- 7 6
15 May -	16	- -	- - - - - - - -	- - -	1 4 -
		2	goods sold and delivered -	2 3 11	- 8 -
		1	service of a horse - - -	- 10 6	- 4 -
		1	rent - - - - -	- 18 9	- 4 -
5 June -	7	- -	adjourned - - - -	- - -	- 10 6
26 — -	1	- -	ditto - - - -	- - -	- 1 6
17 July -	19	- -	- - - - - - - -	- - -	1 8 6
		1	goods sold and delivered -	- 10 -	- 4 -
		1	grass of a field - - -	3 5 -	- 4 -
		1	unsound horse - -	juror withdrawn	- 2 6
7 August -	3	- -	adjourned - - - -	- - -	- 4 6
28 — -	3	- -	ditto - - - -	- - -	- 4 6
18 September	14	- -	- - - - - - - -	- - -	1 1 -
		1	unsound horse - - -	dismiss.	
		1	value of erecting a piggery -	ditto.	
		1	weaver's wages, balance of -	- 2 9	- 4 -
		1	goods sold and delivered -	1 12 8	- 4 -
9 October -	13	- -	- - - - - - - -	- - -	- 19 6
		1	nursing a child - - -	- 9 -	- 4 -
		1	unsound horse - - -	3 14 -	- 4 -
20 November	12	- -	adjourned - - - -	- - -	- 18 -
11 December	11	- -	ditto - - - -	- - -	- 16 6
1835:					
1 January -	1	- -	ditto - - - -	- - -	- 1 6
22 — -	2	- -	ditto - - - -	- - -	- 3 -
12 February	3	- -	- - - - - - - -	- - -	- 4 6
		1	I. O. U. - - - -	1 6 3	- 4 -
5 March -	6	- -	adjourned - - - -	- - -	- 9 -
26 — -	5	- -	- - - - - - - -	- - -	- 7 6
		1	settled account - - -	- 10 11	- 4 -
		1	rent - - - - -	- 18 9	- 4 -
16 April -	none	- -	adjourned.		
7 May -	18	- -	ditto - - - -	- - -	1 7 -
28 — -	6	- -	ditto - - - -	- - -	- 9 -
18 June -	11	- -	- - - - - - - -	- - -	- 16 6
		1	maintenance of a child - -	1 13 6	- 4 -
		2	goods sold and delivered -	2 1 -	- 8 -
		1	non-calving of a cow - -	1 10 -	- 4 -
9 July -	5	- -	adjourned - - - -	- - -	- 7 6
30 — -	7	- -	- - - - - - - -	- - -	- 10 6
		1	nursing of a child - -	- 18 -	- 4 -
		1	carpenter's wages - - -	- 16 -	- 4 -
20 August -	12	- -	adjourned - - - -	- - -	- 18 -
10 September	9	- -	ditto - - - -	- - -	- 13 6
1 October -	2	- -	- - - - - - - -	- - -	- 3 -
		2	goods sold and delivered -	1 14 7	- 8 -
22 — -	24	- -	- - - - - - - -	- - -	1 16 -
		1	unsound cow - - -	1 4 -	- 4 -
		1	detention of goods - -	5 - -	- 4 -
		2	goods sold and delivered -	1 1 10	- 8 -

Appendix (A.)

DOWN.

Manor of Bangor.

Court Day.	Number of Processes issued.	Number of Processes entered and tried.	CAUSES of ACTION.	Amount of Decrees. £. s. d.	Amount of Fees. £. s. d.
1835:					
12 November	2	- -	adjourned - - - -	- - -	- 3 -
3 December	20	- -	- - - - - -	- - -	1 10 -
		3	goods sold and delivered -	2 11 2	- 12 -
		1	rent - - - - -	- 14 4½	- 4 -
		1	ditto - - - -	dismiss	- 4 -
24 — -	none	- -	adjourned.		
1836:					
14 January -	none	- -	ditto.		
4 February	3	- -	ditto - - - -	- - -	- 4 6
25 — -	34	- -	- - - - - -	- - -	2 11 -
		1	security for an apprentice -	4 10 -	- 4 -
		3	goods sold and delivered -	2 8 3	- 12 -
		1	value of a pig sold - -	dismiss	- 4 -
		1	value of flax burned - -	1 - -	- 4 -
17 March -	17	- -	adjourned - - - -	- - -	1 5 6
7 April -	6	- -	- - - - - -	- - -	- 9 -
		1	balance of price of a cow -	- 12 6	- 4 -
		1	cash advanced - - -	1 - -	- 4 -
		2	settled accounts - - -	7 15 11½	- 8 -
		1	goods sold and delivered -	1 3 9	- 4 -
28 April -	8	- -	- - - - - -	- - -	- 12 -
		1	- - goods sold and delivered, and cash lent.	1 7 6	- 4 -
		1	ditto - - ditto - -	dismiss	- 4 -
19 May -	3	- -	adjourned - - - -	- - -	- 4 6
9 June -	4	- -	- - - - - -	- - -	- 5 6
		1	rent - - - - -	2 - -	- 4 -
		1	goods sold and delivered -	1 18 -	- 4 -
30 — -	25	- -	adjourned - - - -	- - -	1 17 6
21 July -	11	- -	- - - - - -	- - -	- 16 6
		1	rentcharge - - - -	- 10 6	- 4 -
		1	non-calving of a cow - -	1 7 6	- 4 -
		1	ditto - - - -	dismiss	- 4 -
11 August -	21	- -	adjourned - - - -	- - -	1 11 6
1 September	8	- -	- - - - - -	- - -	- 12 -
		1	goods sold and delivered -	4 12 6	- 4 -
			cash advanced - - -	1 - -	- 4 -
			value of flax burned - -	- 7 6	- 4 -
			car hire - - - -	- 13 -	- 4 -
22 — -	5	- -	adjourned - - - -	- - -	- 7 6
13 October -	37	- -	ditto - - - -	- - -	2 15 6
3 November	2	- -	ditto - - - -	- - -	- 3 -
24 — -	5	- -	- - - - - -	- - -	- 7 6
		3	goods sold and delivered -	4 3 5	- 12 -
15 December	3	- -	adjourned - - - -	- - -	- 4 6
1837:					
12 January -	none	- -	ditto.		
2 February	3	- -	ditto - - - -	- - -	- 4 6
23 — -	16	- -	- - - - - -	- - -	1 4 -
		1	maintenance of a child - -	2 5 -	- 4 -
		1	rent - - - - -	1 - -	- 4 -
		5	goods sold and delivered -	6 5 9½	1 - -
16 March -	45	- -	adjourned - - - -	- - -	3 7 6
			Eight attachments issued on which no proceedings taken -	- - -	5 10 -
			Three appeals entered, two proceeded on and confirmed -	- - -	- 7 6

No court ever adjourned for want of jurors.

Cause of adjournment, unavoidable absence of seneschal, but more especially having no cases for trial, the parties settling before the sitting of the court.

Costs on each decree, 5 *s.* 6 *d.*

Seneschal is not a member of any legal profession.

12 April 1837.

Thomas M'Culloch, Seneschal.
James Kennedy, Register.

MANOR OF CASTLEWELLAN.

1. EXTENT OF JURISDICTION.	2. Date of Patent.	3. Extent of Pecuniary Jurisdiction, and how enforced.	4. IMPRISONMENT.	5. DISTRESS.
Townlands of Backaderry, Benraw, Ballymagreehan, Castlewellan, Clarkhill, Letrim, Legananny, Maghermayo and Slievenoboly. Greatest distance from court-house about seven English miles.	not known	- not exceeding 10 *l.*, and enforced by distress and sale of goods.	- - the court has not the power of imprisonment, and of course no prison connected with it.	- - the court has the power of distress by seizure and sale of goods, &c.

6. Years.	7. Number of Courts held in each Year.	8. Number of Courts adjourned.	9. Number of Cases entered.	10. Number of Cases tried.	11. Number of Appeals.	12. Appeals tried.	13. Return of Fees charged.	14. Sums recovered.	15. Amount of Costs or Sums recovered.	16. Profession &c. of Seneschal.
							s. d.	*£. s. d.*	*£. s. d.*	
1834	16	1	162	101	*	*	- - signing summons - - 1 -	140 14 3	*	- - justice of the peace.
1835	16	1	140	90	*	*	entering plaint, 1 -	110 17 9	*	
1836	14	3	83	63	1	none	decree or dismiss - - 2 6 bail-bond - 1 - bailiff - - 1 -	81 11 6	10 17 6	

* These cannot be filled up in consequence of the death of the person who held the office of seneschal for the years 1834 and 1835.

Lord of the Manor, Right Hon. Earl Annesley.
5 April 1837.

R. Binney, Seneschal.

MANOR OF DONAGHADEE, ALIAS MONTGOMMEHRY.

Appendix (A.)

Manor of Donaghadee, alias Montgomery.

1. THE present denominations of the lands reported to be in this manor are the town and townlands of Donaghadee, the townlands of Ballywilliam, Ballynoe, Ballycross, Hogstown, Herdstown, Ballyhay, Cannyreagh, Ballyvester, Templepatrick and Millar-hill, Craigboy, Ballycopeland, Ballymacruise, Ballybattle, Killaughy, Island-hill, Ballyfrenis, Grangee, Ballyraer, Ballyrolly, Drumfad, Ballyhaskin, Ballywhisken, Ganaway, Killbright, Ballydoonan, Ballymoney, Carney-hill and Sloanstown, all in the parish of Donaghadee, with Black Abbey and Killyvolgan, in the parish of Grey Abbey.

2. The greatest distance of any portion of the manor from the town of Donaghadee, where the courts are held, is about six miles, Irish measure.

3. The dates of the patents giving powers to the courts-leet and courts-baron of this manor are 3d of James 1, 5th of November 1606; confirmed by the 2d of Charles 1, 11th of October 1626, and the 13th of Charles 1, the 19th of March 1637.

4. The courts-baron exercise jurisdiction generally in actions of debt to the amount of any sum under 20 *l.* (late currency); process being enforced by attachment or distress of the goods of the defendant, upon claim substantiated by oath of plaintiff. After issue joined, verdict and judgment, execution is enforced by warrant of distress and sale. The more ordinary process of the court-baron, however, is by civil bill, for sums under 40 *s.*, late currency, as by the Acts of Parliament in such cases provided.

5. There is no prison belonging to this manor, there being no power of imprisonment exercised by the court.

6. Power of distress for fines in courts-leet is supposed to belong to this court by law, but no instance of the exercise of the power has occurred in the experience of the present seneschal.

7. The courts-leet at which the constables, appraisers, scavengers, and other manorial officers are appointed, and nuisances sometimes presented by the grand jury, are held once in every year; the courts-baron for the trial of actions of debt, &c., once every three weeks.

The number of courts-baron in the year	1834 - -	16
Ditto - - - - - -	1835 - -	18
Ditto - - - - - -	1836 - -	17
Ditto, to this date in - - -	1837 - -	6

8. The

Appendix (A.)

Down.

Manor of Donaghadee, alias Montgomery.

8. The number of courts-baron adjourned for want of business only were in	1834	- -	3
Ditto - - - - - - -	1835	- -	5
Ditto - - - - - - -	1836	- -	1
Ditto, to this date in - - -	1837	- -	-
9. The number of cases entered for trial in	1834	- -	27
Ditto - - - - - - -	1835	- -	30
Ditto - - - - - -	1836	-	36
Ditto, to this date in - - -	1837	- -	24
10. The number of cases tried in - -	1834	- -	27
Ditto - - - - - - -	1835	- -	30
Ditto - - - - - - -	1836	- -	36
Ditto, to this date in - - -	1837	- -	24
11. The number of appeals from decrees in	1834	- -	none.
Ditto - - - - - - -	1835	- -	none.
Ditto (but not proceeded on) - -	1836	- -	1
Ditto ditto - -	1837	- -	1

			£.	s.	d.
12. Amount of fees charged in the year (bailiff's fees not included) - -	1834	- -	7	8	-
Ditto - - - - - - -	1835	- -	8	5	-
Ditto - - - - - - -	1836	- -	9	18	-
Ditto, to this date - - - -	1837	- -	6	-	-
13. Sum recovered in the year -	1834	- -	59	7	5½
Ditto - - - - - -	1835	- -	36	7	1
Ditto - - - - - -	1836	- -	36	8	9
Ditto, to this date in - - -	1837	-	31	3	-½
Amount of costs in the year - -	1834	- -	7	8	-
Ditto - - - - - - -	1835	- -	8	5	-
Ditto - - - - - -	1836	- -	9	18	-
Ditto, to this date in - - -	1837	- -	6	-	-

Donaghadee, 1 May 1837. *James Lemon*, Seneschal.

Manor of Drumbracklin, alias Downbrackey.

Manor of Drumbracklin, alias Downbrackey.

Name of Manor Court and County in which situate?

Drumbracklin, alias Downbrackey, parishes of Drumbo and Drumbeg, barony of Castlereagh and county of Down.

Names of Places, Towns or Townlands over which its Jurisdiction extends?

Townlands of Knockbracken, Melaugh, Ballylesson, Ballycairn, Ballyochles, Clougher, Deneight and Lisnow.

The greatest Distance of any Place within the Jurisdiction from the ordinary Place of holding the Court?

Three miles; the jurisdiction of the court extends six miles, and the court has been held about the centre.

Date of Patent or Charter constituting the Court?

Not known; but the court has been held from time immemorial.

Extent of the Pecuniary Jurisdiction of the Court?

Not exceeding 20 *l.* late Irish currency.

How is it enforced?

By attachment against goods, and also by civil bill process served on the party.

The Description of Cases tried?—Assumpsit.

Extent of Power with regard to Imprisonment?

Never exercised any power of imprisonment, there never having been a prison within the manor.

The Number of Persons imprisoned under Decree of the Court?—None.

Whether the Prison be one of Peculiar Jurisdiction?—None.

Whether a Power of Distress exists, and how it is levied?

A power of distress does exist; it is exercised in the first instance by mesne process, called an attachment, and after verdict and final judgment, by execution.

Number of Courts held in each Year, beginning from 31st December 1833.

In 1834, one; in 1835, one; in 1836, two.

The Number of Courts adjourned for Non-attendance of Jurors or other Cause?

None.

The Number of Cases entered for Trial?—Four.

The Number of Cases Tried?—Two.

Appendix (A.)

Down.

Manor of Drumbracklin, alias Downbrackey.

The Number of Appeals from Decrees, stating how many were Tried, and how many Decrees were reversed?—No appeals.

Return of Fees charged?—£. 6. 13 *s.*

The Sums recovered?—£. 40. 2 *s.* 10 *d.*

The Amount of Costs during the same period?—£. 8. 15 *s.*

If Seneschal is a Member of Legal Profession or Justice of the Peace?

Not a member of legal profession, nor justice of the peace; a private gentleman.

14 April 1837. *William Malcolm*, Seneschal.

Manor of Downpatrick.

Manor of Downpatrick.

Places over which the Jurisdiction extends?

Downpatrick and Demesne, Ardmeen, Annacloy, Ballentleve, Baller Church and Spittle, Ballentogher (Upper and Lower), Ballysugah (Upper and Lower), Ballywarren (East and West), Ballygallum, Ballyclander (Upper and Lower), Ballysallagh, Ballynagross (English and Irish), Ballylena, Ballybeg, Ballyhanagh (Upper and Lower), Ballycruttle, Ballyhosset, Ballymurray, Ballytrustan, Ballymote (Upper, Middle and Lower), Ballyrange, Ballynoe, Ballydougan, Ballydonnety, Ballyrenan, Ballynacraig, Ballygally, Cargaghnabreig, Caruntaggart, Castle Mahon, Castle Island, Dillon, Drumcullen, Dunanelly, Erenagh (Upper and Lower), Gore's Island, Green Island, Grange Walls, Grange Bane, Grangicam, Hare Island, Hollymount Inch, Killynany, Killwees, Kingsfield, Lisbane, Lisboy, Loughmoney (North and South), Leggamaddy, Marshaltown, Magheraleggan, Magheracranmoney, Old Town, Quoile, Quartercormick Saltquarter, Salt Island, Saul Shruil (Scotch and Irish), Sheplanbeg, Slewnagreddle, Tubbermoney, Terminain, Tullemgrange (East and West), Walshestowerstwo, Woodgrange.

Greatest Distance of any Place from where Court held?—Six miles.

Date of Patent?—7th August, 15 James 1.

Extent of Pecuniary Jurisdiction?—Ten pounds.

How enforced?—By summons, attachment, execution or decree.

What Description of Cases tried?—For all debts contracted in manor.

Extent of Power of Imprisonment?—Power to imprison in all cases decreed.

Number of Persons imprisoned under Decree?

Imprisoned in 1834, eight; in 1835, eight; in 1836, eight; in 1837, one. This return is from the gaoler; the only way I had of ascertaining the number imprisoned.

Prison?—The county gaol.

Power of Distress, and how levied?

Power of distress levied under execution and decree.

Number of Courts held?

In 1834, courts held	17	In 1836, courts held	17
In 1835, —	17	In 1837, — (up to date of order)	4

Number of Courts adjourned for want of Jurors or other causes?—None.

Number of Cases entered for trial?

In 1834	128	In 1836	91
In 1835	127	In 1837	37

Number of Cases tried?

In 1834	117	In 1836	80
In 1835	106	In 1837	35

Number of Appeals from Decrees?

In 1834	18	In 1836	7
In 1835	17	In 1837	1

Number of Appeals tried, and how many reversed?

I have no document to exactly show how many were tried or reversed; but as the appeals in almost every case were lodged to gain time (the appeal only costing 1 *s.*), I can only speak from memory, and say, I believe, that during the time specified there has not been more than three or four tried, and none reversed; and though I have been upwards of 25 years seneschal, I have not known a decree reversed but one, and that on a point of law, in a tithe case.

Fees charged?

	£.	*s.*	*d.*
Charged on the above trials, in 1834	28	6	6
— 1835	24	19	6
— 1836	16	4	–
— 1837	8	12	–

Sums recovered?

On the above trials, in 1834	231	4	9½
— 1835	230	13	10½
— 1836	121	–	2
— 1837	100	13	2½

Costs

Costs recovered?	£.	s.	d.
Recovered on the above cases in 1834	28	6	6
— 1835	25	19	6
— 1836	17	1	–
— 1837	8	16	–

The above cases were tried under the Civil Bill Act, 25 Geo. 3, c. 44, and tried agreeable to that Act only.

Cases under Attachment?

Attachments issued in 1834	16	Attachment issued in 1836	10
— 1835	23	— 1837	2

The cost on issuing each attachment is 6*s.* 2*d.*

Cases brought into Court under Attachments and tried?

In 1834	1	In 1836	2
In 1835	4	In 1837	none.

	£.	s.	d.
Sums recovered in the above cases	37	6	2
Costs recovered by plaintiff	9	6	6
Fees received by seneschal	7	17	1½

Whether Seneschal of any Legal Profession, or a Justice of the Peace?
Of no legal profession, but is a justice of the peace for the county of Down.

Downpatrick, 8 April 1837. *Alexander Miller*, Seneschal.

A Schedule of Fees on Civil Bill Trials, by 25 Geo. 3, c. 44.

	s.	d.		s.	d.
Issuing summons	1	–	Bail-bond of appeal	1	–
Attorney entering plaint	2	–	Bailiff summoning jury	1	–
Entering plaint	1	–	Bailiff levying under execution, 6*d.* for first pound, and 3*d.* after		
Execution	2	6	Dismiss	2	6
Renewal	–	6			

A Schedule of Fees under Trial by Attachment.

	s.	d.		s.	d.
Affidavit and attachment	6	2	Execution	2	6
Bailiff	–	6	Attorney drawing costs	1	–
Entering action	1	6	Taxing	–	6
Attorney drawing declaration	3	6	Attorney, appearance	1	6
Filing declaration	1	0	Copy of declaration or plea, each sheet	–	3
Each rule	2	4	Attorney drawing plea	3	6
Venire and record	2	6	Filing plea	1	–
Bailiff summoning jury	1	–	Copy each rule	2	4
Each oath administered	–	4	Bail-bond	4	6
Jury	–	6	Release	2	4
Recording verdict	4	6	Filing replication	1	–

Manor of Dromore.

The jurisdiction of the manor courts of Dromore extends over 84 denominations of townlands.

The greatest distance from the manor court-house is about 12 miles.

The charters or letters patent granted to the bishops of Dromore and their successors for ever, by James 1: the first charter is dated 21st February, in the 8th year of his reign; the second charter is dated 24th October, in the 14th year of his reign.

The sum to which the courts of said manor extends is 5*l.* current money of England.

The description of cases tried in the courts of said manor are by attachments and actions in debt, assumpsit, trover, trespass, or detinue, by civil bill process, and by a jury. The decrees, founded on verdicts, are levied by the manor bailiff by sale by auction of the goods of the party decreed.

The power of imprisonment is, by the letters patent aforesaid, vested in the seneschals of said manor, but have not been exercised by the present seneschal since his appointment in the year 1825.

There is no prison within the jurisdiction of said manor, nor any person imprisoned by order or decree of said court.

The courts of said manor, beginning from the 31st day of December 1833, as stated in said order, have been held as follows: viz. 17 courts in the year 1834; 17 courts in the year 1835; 17 courts in the year 1836; and four courts up to the 21st day of March 1837; in all 55 courts during said period, in the court-house of said manor, in the town of Dromore; and none of said courts were adjourned for the non-attendance of jurors or other cause.

Appendix (A.)

Down.

Manor of Dromore.

The number of cases entered for trial, from the period specified in the order to the 21st day of March last, were 246; of those were tried 208.

The number of appeals from decrees during said period was four; one of which appeals was tried before the going judge of assize, and confirmed.

The fees charged on issuing processes and attachments during said period averaged about 56 *l.*

The sums decreed during said period were 148 *l.* 8 *s.* 11 ½ *d.*, and the costs thereon were 54 *l.* 16 *s.*

The undersigned is not an attorney or solicitor, nor justice of the peace.

Dromore, 10 April 1837. *Robert Dickson*, Seneschal.

Manor of Florida.

Manor of Florida.

The patent of the manor of Florida was granted 19th March, 13th Charles 1; the pecuniary jurisdiction is confined to matters under 40 *s.* sterling, being lawful money of England. The judgments of the court are enforced by the decrees, issued and signed by the seneschal, which attach the goods and chattels of the defendant. The cases mainly coming under the consideration of the court relate to contracts, pleas of debt, detentions, and transactions incident and likely to occur in a rural and agricultural community. There is no prison, neither is there one of peculiar jurisdiction. The power of imprisonment does not exist under this patent, and consequently has never been acted on. Distress has only been resorted to in order to carry out the process of the court. The jurisdiction of this court extends over the following townlands, to wit, Drumseagh, Kilmood, Ballybuncker, Tollynagee, Lisburnett, Ballygraffin and Ballymonestin. The business is transacted and conducted in a spacious court-house, erected by the late David Gordon, esq., lord of the manor, at a considerable expense, in the said townland of Kilmood; and the furthest distance of the townlands comprised in its jurisdiction does not exceed two miles. The number of courts held, from the 31st December 1833 to the 31st December 1834, were ten; from the 31st December 1834 to the 31st December 1835, were seven; from the 31st December 1835 to the 31st December 1836, were five; and from the 31st December 1836 to the present period one court was held. No courts were adjourned from the non-attendance of jurors, or other causes, during the foregoing periods, save within the last few months, owing to the illness of the bailiff. The number of cases entered for trial and tried were 21. There were no appeals from decrees. The fees charged by the seneschal are:

	s.	*d.*
For issuing summons and signing same - -	1	–
– entering the plaint - - - - -	1	–
– each execution made out and signed - -	2	6
To bailiff, for summoning a jury - - -	1	–
	5	6

The sums recovered amounted to 17 *l.* 5 *s.* 8 *d.*, and costs attending the same amounted to 5 *l.* 15 *s.* 6 *d.* Exclusive of the above cases, which came to trial, 180 processes were issued, which did not come to trial in consequence of arrangement between the parties, in each of which a fee of only 1 *s.* was charged. Each landholder in the manor is bound by lease to pay annually 1 *s.* by way of leet-money, which is paid to the seneschal, and amounts to about the annual sum of 10 *l.* sterling.

Florida, 12 April 1837. *Samuel Duff*, Seneschal.

Manor of Gilford.

Manor of Gilford.

The sum to which the courts of said manor extends is 100 *l.*, by letters patent of the 32 King Charles 2; the jurisdiction of which extends over 38 denominations of townlands. The greatest distance from the manor court-house is about eight miles. There is no manor prison, nor any person arrested or imprisoned by order or decree of said court, since the time of the seneschal's appointment in the year 1819. The description of cases tried in the courts of said manor are actions in debt, and on the case, by civil bill process only, and by a jury. The decrees, founded on verdicts, are levied by the manor bailiff, when necessary, by sale by auction of the goods of the party decreed.

The courts of said manor, beginning from the 31st December 1833, stated in said order, have been held on the first Friday in January, April, July and October in each year, in the court-house of said manor, commencing at 11 o'clock before noon; and none of said courts were adjourned for non-attendance of jurors, or other cause, until the cases entered for trial were disposed of.

The cases entered for trial, from the time specified in the order to the present time, were 33; of these were tried 28; and of appeals therefrom, one, which was afterwards settled before the ensuing assizes. The total amount of fees on issuing of each decree, is 5 *s.* 6 *d.*, although in poor cases often not charged. The sums decreed during the said period were 45 *l.* 10 *s.* 8 *d.*, and the costs thereon were 5 *l.* 13 *s.*

The

Appendix (A.)

Down.

Manor of Gilford.

The undersigned is not an attorney or solicitor, nor a justice of the peace; he is land-agent of the estate of the lord of the manor.

8 April 1837. *C. R. Brush*, Seneschal.

Manor of Hamilton's Hill.

Names of Places over which the Jurisdiction of this Court extends; the greatest Distance of any Place within such Jurisdiction from the ordinary place or places of holding such Court?

There are 11 townlands in the manor; viz. 1. Ballyplant, where the court is held; 2. Ballydargan (No. 1); 3. Ballydargan (No. 2); 4. Ballylucas; 5. Glevet; 6. Clonmaghery; 7. Tyrella (No. 1); 8. Tyrella (No. 2); 9. Upper Corbally, each within one mile and a half; 10. Ballykilbay; 11. Moneycuagh, within three miles.

Date of Patent?—10 June 1670.

Extent of Pecuniary Jurisdiction, how enforced, and what Description of Cases are tried?

Two pounds present currency; enforced by decree, civil bill or attachment, against goods only of the party. Cases tried are actions of debt, covenant, trespass, account, detinue, and all other matters which in debt or damages exceed not 40 *s.*

Extent of Power with regard to Imprisonment?

No such power has ever been exercised, that the present seneschal could learn.

The Number of Persons imprisoned?—None.

Whether Power of Distress exists, and how it is levied?

Power of distress exists only by attachment, as above mentioned.

Number of Courts held in each Year from 31st December 1833?

In 1834, 12 courts; in 1835, 12 courts; in 1836, 12 courts.

Number of Courts adjourned for Non-attendance of Jurors, or other causes?

No adjournment at any time.

Number of Cases entered?

In 1834, 120; in 1835, 120; in 1836, 120 cases entered; and 288 cases tried.

Number of Appeals and how many tried, and how many Decrees reversed?

No appeals in 1834, 1835 or 1836.

Fees charged?

Five shillings and sixpence for each process that is tried; the seneschal is also entitled to 1 *s.* from each tenement or holding, and 6 *d.* from each cottier, per year.

Sums recovered, and Amount of Costs during same period?

In 1834, 288 *l.*; in 1835, 288 *l.*; in 1836, 288 *l.*; costs, 79 *l.* 14 *s.* 6 *d.*

The seneschal is not of any legal profession, or a justice of the peace.

12 April 1837. *John Henry*, Seneschal.

Manor of Hillsborough.

By letters patent, being a royal charter, bearing date the 19th day of December 1663, and in the 14th year of the reign of Charles 2, his said Majesty, for the considerations therein mentioned, granted to Arthur Hill, of Hillsborough, in the county of Down, esquire, his heirs and assigns, that certain castles, towns, lands, tenements and hereditaments (then of the said Arthur Hill) therein particularly named, with their appurtenances, situate in the barony of Lower Iveagh, in the said county, should be erected into one manor, by the name of the manor of Hillsborough; to hold within the same manor a court-leet and view of frankpledge, before such seneschal as should be appointed, twice in every year; also to hold within the said manor, every three weeks, or seldomer, a court-baron, before such seneschal, for all actions of debt, covenant, trespass, account, contract and detinue, and all other causes which in debt or damage should not exceed 40 *s.* English money; also to hold within the same manor a law day or court of record, at such times and places as the seneschal should think fit, with power to hold pleas of debt, detinue, trespass, &c., wherein the debt or damage should not exceed the value of 200 *l.* English money; with power to appoint bailiffs and other officers, and to erect and have within the manor a prison for persons arrested or attached, and to arrest and attach such persons.

The lands constituting the manor comprise about 26,000 statute acres; and the most remote situation of the residence of any tenant from the place where the courts are held (which is in the town of Hillsborough) is between six and seven Irish miles; but the residence of about 19-20ths of the tenants does not exceed four miles, and the great bulk between the town and a radius of three miles.

A court-baron and court of law day is held every three weeks for recovery of debts, to any amount the tenants of the manor or other persons entitled may think fit to sue for; and where the debtors are solvent, and assets are available to satisfy the debt, sums to the amount of 20 *l.* are sued for; but where there is any reason to apprehend a debtor might avail himself of any interval between obtaining a verdict and issuing a decree to remove his goods out of the manor, the course of proceeding is usually by attachment.

The cases tried are principally actions for debt, though cases sometimes occur where there are actions for damage.

Appendix (A.)

Down.

Manor of Hillsborough.

It does not appear, by reference to the records, there has been any case of imprisonment; and if there had been, the party must have been committed to the county prison, as it does not appear that any was ever erected within the manor.

Upon a verdict being obtained by the plaintiff, if the debt and costs are not forthwith paid, a decree is placed in the hands of the proper officer to levy the amount by sale of the goods of the defendant, in manner provided by the several statutes regulating manor courts in Ireland.

The number of courts held in each year, beginning from the 31st of December 1833, and ending on the 21st of December 1836, are as follows: for the year 1834, 14; for the year 1835, 16; and for the year 1836, 16.

A jury of 18 is regularly summoned for each court, from the list of whom the first 12, answering to their names, are selected and sworn. There does not appear any instance where a court has been adjourned for the non-attendance of jurors, but there appears within the three years to have been two courts adjourned in consequence of there having been no causes for trial.

In the year 1834 there were 159 processes issued, 49 cases entered for trial, and 34 cases tried; in 1835, 251 processes issued, 64 cases entered for trial, and 49 cases tried; and in 1836, 331 processes issued, 84 cases entered for trial, and 67 cases tried.

It appears from entries in the court book, that for the three years 10 notices of appeal from decrees were given; but it is not known how many were tried, nor the decision upon such trial, as it seldom happens that either plaintiff or defendant make any communication to the seneschal of the result.

It should be here observed, that in numerous cases appeal-bonds are entered into, delay or annoyance being the object of the defendant, the debts have been settled without the appeals being heard.

The fees charged are regulated by the Acts 25 Geo. 3, c. 44, and 7 & 8 Geo. 4, c. 59, and are as follows:

By 25 Geo. 3, c. 44, s. 8.:	Irish Money. £.	s.	d.
To the seneschal, for issuing and signing summons	–	1	1
— attorney entering the plaint and attending the hearing, if an attorney do attend	–	2	2
To the seneschal, for entering the plaint	–	1	1
— for every execution signed	–	2	8½
— for every renewal	–	–	6½
— for bail-bond, taken on appeal	–	1	1
To the bailiff summoning a jury	–	1	1

And 6½ *d.* for the first, and 3 *d.* for every pound after which he shall levy under an execution.

By 7 & 8 Geo. 4, c. 59, s. 5, the several sums following are directed to be paid and taken from any person suing or being sued in any manor court in Ireland, having jurisdiction to hold pleas to the amount of 30 *l.* and upwards, in addition to the fees before-mentioned.

	English Money. £.	s.	d.
To the register, if there should be such officer, where the sum in demand shall not exceed 10 *l.*	–	1	–
When it shall exceed 10 *l.* and not exceed 100 *l.*	–	2	–
And where the sum shall exceed 100 *l.*	–	3	–
To the seneschal, for making any decree where the sum recovered shall not exceed 10 *l.*	–	2	–
Where it shall exceed 10 *l.* and not exceed 100 *l.*	–	3	–
And where the sum shall exceed 100 *l.*	–	4	–

Of the total amount of so much of these fees as relate to the trial, verdict and issuing of decrees, the Act 25 Geo. 3, allows to the plaintiff 5 *s.* 6 *d.*, and the same to the defendant in case of a dismiss.

The fees actually charged by the seneschal for the year 1834 and part of 1835 have been according to both Acts of Parliament, but afterwards, and down to the present time, the additional fees to him authorized by 7 & 8 Geo. 4, have been given up.

By the court books it appears the sums recovered were:

	£.	s.	d.		£.	s.	d.
In 1834	43	19	7		11	15	6
1835	124	13	3½		14	11	–
1836	110	17	2½		17	1	6
Debts £.	279	10	1	Costs £.	43	8	–

In addition to the foregoing fees, there are certain costs incurred in the case of attachments, where the course of proceeding is the same as in the common law courts; the particulars of which are as follow:

	English Money. £.	s.	d.
Drawing affidavit to ground attachment	–	3	4
Seneschal, on distringas	–	10	–
Bailiff, on executing same		5	–
Entry and return of attachment	–	2	6
Warrant of attorney	–	3	6

Appendix (A.)

Down.

Manor of Hillsborough.

	English Money. £.	s.	d.
Attested copy of affidavit	–	1	6
Drawing and engrossing declaration	–	8	–
Signing and filing same	–	1	6
Seneschal's fee on filing	–	1	10
First and second rule to plead	–	6	8
Judgment called and attending trial	–	13	4
Jury	–	1	–
Drawing execution	–	3	6
Seneschal's fee on signing same	–	7	6
Drawing costs	–	2	–
Senechal's fee on taxation of costs	–	2	6
Certificate of attorney as to amount of sum due	–	1	6
£.	3	15	2

Of these latter costs it will be seen the seneschal is entitled to receive 1 *l.* 5*s.* 10*d.* upon every attachment issued, where it proceeds to a trial.

The number of attachments issued within the three years before mentioned are as follows: for 1834, 12; 1835, seven, and 1836, 15; of this number six were tried; and the total sums recovered amounted to 81 *l.*

In addition to the several fees before mentioned, the seneschal is entitled to and receives annually at November, for leet-money, from the several tenants and cottiers of the manor, the following sums: from every head tenant, 8*d.*; and from every under-tenant or cottier, 4*d.*; which amount together to the annual sum of 70 *l.* 8*s.*

The former seneschal resigned the office in November 1834; the amount of fees and leet-money received by him for that year, therefore, is not known, but it is supposed they were about the average of the two succeeding years.

	£.	s.	d.
The total amount of fees received by me for the year 1835 was	31	15	10
And for 1836	40	10	10
Two years' leet-money, at 70 *l.* 8*s.* per annum	140	16	–
	213	2	8
To which is to be added the fees and leet-money received by the former seneschal, for 1834 (taken at)	106	11	4
Making together, for the three years, a total of £.	319	14	–

I cannot say that I am actually a member of any legal profession. I regularly served a clerkship to the law, but have not qualified.

Hillsborough, 17 April 1837. *Thomas Parry*, Seneschal.

Manor of Holywood.

Manor of Holywood.

The manor of Holywood includes the towns of Holywood and Ballymacarrett, the latter of which forms part of the borough of Belfast; and its jurisdiction extends to the townlands of Ballyrobert, Ballydavey, Ballygraney, Ballykeel, Ballymenock, Ballymechan, Ballymisart, Ballyhacamore, Ballycloughan, Ballyoran, Ballyrussell, Ballyrainey, Ballybeen, Ballyregan, Ballymiscaw, Church Quarter, Craigavad, Cultra, Carryreagh, Dundonald, Dunlady; the lands of Holywood, Knock, Knocknagoney Lisbraden, Strandtown and Unicarvel, all within the parishes of Holywood, Dundonald and Ballymacarrett; and the greatest distance of any of said places from Ballymacarrett, the ordinary place of holding such court, does not exceed six miles.

A court is held once a year alternately in the villages of Holywood and Dundonald, within said manor, at which a grand jury appoints petit constables for the collection of the county cess, and applotters for the same, within the said manor.

Prior to the existence of the present constabulary force, these constables executed such magistrates' warrants as were forwarded to them for that purpose, and were found useful and necessary officers, but of course are not now required to do more than collect the cess.

King Charles 1, by his letters patent, dated at Dublin, 20th day of April, in the 5th year of his reign, granted unto James, Viscount Claneboy, and his heirs and assigns for ever, certain lands and tenements therein mentioned, among which were those of the manor of Holywood, authorizing him and them to hold a court of record therein once in every three weeks, before such seneschal and seneschals as should be appointed, and to hold pleas of all actions of debt, detinue, trespass, replevin and other personal and mixed actions arising within said manor, the debt and damages not exceeding 20 *l.* sterling, and to summon the defendants accordingly, and to grant execution against the body and goods of the defendant, and to receive the profits and emoluments of said court.

The pecuniary jurisdiction of the manor is enforced by attachment and process.

The description of cases tried are actions of debt, assumpsit and actions on the case, as prescribed by the patent or charter.

Appendix (A.)

Down.

Manor of Holywood.

On cases being determined, the powers given by the charter are acted upon by issuing execution against the goods of the defendant.

The charter of the manor of Holywood contains a power to issue execution against the body, but, owing to some unaccountable cause, it has many years ago fallen into disuse; consequently no person has been imprisoned within the last 50 years under decrees or executions of the court.

The power of distress exists, and after due notice the amount of executions and decrees levied by sale by auction of the goods and chattels seized, in case the defendants do not pay on laying on the distress.

The number of courts held in the year 1834 was 10.
No adjournment for non-attendance of jurors.
The number adjourned on account of there being no business to do was seven.
The number of courts held in the year 1835 was five.
No adjournment for non-attendance of jurors.
The number adjourned on account of there being no business to do was 12.
The number of courts held in the year 1836 was six.
No adjournment for non-attendance of jurors.
The number adjourned on account of there being no business to do was 11.
Cases entered for trial, under attachment, in the year 1834, were two.
— by attachment, tried within that period, two.
— entered for trial, under civil bill process, in the year 1834, 49.
— by civil bill, tried within same period, 42.
— entered for trial, under attachment, within the year 1835, one.
— by attachment, tried within same period, one.
— entered for trial, under civil bill process, within the year 1835, 23.
— by civil bill, tried within same period, 16.
— entered for trial, under attachment, within the year 1836, two.
— by attachment, tried within same period, two.
— entered for trial, under civil bill process, within the year 1836, 39.
— by civil bill, tried within same period, 37.

Number of appeals lodged from decrees or dismisses, during the year 1834, four.
— 1835, two.
— 1836, three.

Not one of the above appeals was tried at the assizes, the parties in the meantime having settled; and it is a remarkable fact that only two appeals from decrees in the manor of Holywood were tried within the last 30 years, and both were affirmed.

The Fees charged by the Seneschal of this Manor are as follow:

	£.	s.	d.
Attachment with costs of affidavit of debt and filing same	–	15	–
Finding of jury on trial under attachment, signing execution, &c.	1	6	10
Fee on signing process	–	1	–
— entry and decree	–	3	6
— signing dismiss	–	2	6
— an appeal	–	1	–
— on an inquiry when goods are claimed by a third person	–	13	4
— judgment in scire facias cases where the bail are sued	–	10	2
— renewal decree	–	–	6
— bail to an attachment	–	1	–
— signing summons for witness	–	1	–
— receiving writ of error against judgment of court in attachment cases	–	6	2

It is impossible for the seneschal of this manor to state exactly the amounts levied or recovered on foot of the executions and decrees respectively, as they are handed over to the plaintiffs or their agents, who take the superintendence and management on themselves, on a special warrant for that purpose; but with very few exceptions, the whole demands have been recovered, and those few remained unsatisfied for want of effects, and that to a very nominal amount.

	£.	s.	d.
The fees which the seneschal of this manor has received for the year 1834, amounted to	24	6	8
The like for the year 1835	18	7	10
— 1836	28	8	8

The seneschal of this manor has been in office 30 years and upwards, and was bred up to the profession of an attorney-at-law, in which capacity he still acts.

Belfast, 13 April 1830. *Henry Waterson*, Seneschal.

Manor of Killough.

Manor of Killough.

Names of Places over which the Jurisdiction of this Court extends, and the greatest Distance of any Place within such Jurisdiction from the ordinary Place of holding such Court?

There are 18 townlands in the manor: viz., 1. Killough, where the court is held; 2. Kilbride; 3. Coneyisland; 4. Ballynarry; 5. Carrowbaghren; 6. Clougher; 7. Rathmullan (No. 1.);

(No. 1.); 8. Rathmullan (No. 2.); 9. Tullycarnon; 10. St. John's Town; 11. Carricknab; 12. Corbally; 13. Ballycam; 14. Ballynlegg, each within three miles; 15. Ballywooden, North; 16. Ballywooden, South, within four miles; 17. Drumenty, about 12 or 13 miles distant; 18. Edengilnehirk, about 15 miles distant.

Manor of Killough.

Date of Patent?—10th June 1670.

Extent of Pecuniary Jurisdiction, how enforced, and what Description of Cases are tried?

£2. present currency; enforced by decree on civil bill or attachment against goods only of the party. Cases tried are actions of debt, covenant, trespass, account, detinue, and all other cases which in debt or damages exceed not 40 *s.*

Extent of Power with regard to Imprisonment?

No such power has ever been exercised, that the present seneschal could learn.

The Number of Persons imprisoned?—None.

Whether the Prison be one of Peculiar Jurisdiction?

There is no prison in the manor.

Whether Power of Distress exists, and how it is levied?

Power of distress exists only by attachment, as above mentioned.

Number of Courts held in each Year from 31st December 1833?

In 1834, nine courts; in 1835, two courts; in 1836, two courts.

Number of Courts adjourned for Non-attendance of Jurors or other cause?

No adjournment at any time.

Number of Cases entered for Trial?

In 1834, 30 cases, four of which were tried; in 1835, two cases entered and tried; in 1836, two cases entered and tried.

Number of Appeals, how many tried, and how many Decrees reversed?

No appeals in 1834, 1835, or 1836.

Fees charged?

Five shillings and sixpence for each process that is tried. The seneschal is also entitled to 1 *s.* from each tenement or holding in the manor, and 6*d* from each cottier.

Sums recovered and Amount of Costs during same period?

£. 30 in 1834; 18 *s.* 11 *d.* in 1835, 1 *l.* 10 *s.* in 1836; costs 9 *l.* 16 *s.*

The seneschal is not a member of any legal profession, or a justice of the peace.

10 April 1837. *John Jennings*, Seneschal.

Manor of Killyleagh and Killinchy.

Manor of Killyleagh and Killinchy.

Places over which the Jurisdiction extends?

Corporation of Killyleagh, Ballywoolen, Derraboy, Ballyalgin, Mulloch, Tullychin, Cluntagh, Forest Quarter, Ballytrim, Ardigon, Tullyveery, Maymore Island, Taggart, Lisnaw, Clea, Ballygoskin, Rathcunningham, Ballymacrumnell, Ballymacarron, Ringdufferin, Toye and Kirkland, Tullymacknows, Ballybredagh, Ballygigan, Tullymore, Rathgarmont Island, Cawn, Ringhaddy, Quarterland, Ballymorran, Carragullin, Killinchy, Killenekin, Ballydonan, Craigarusky, Ballymacreely, Killinchy Woods, and Ballow.

Greatest Distance of any Place from where Court is held?—Five miles.

Date of Patent?—James 1.

Extent of Pecuniary Jurisdiction?—Ten pounds.

How enforced?—By summons, attachment and decree.

What Description of Cases tried?—All debts contracted in the manor.

Extent of Power of Imprisonment?—No power to imprison.

Power of Distress, and how levied?

Power of distress, and levied by sale under decree or execution.

Number of Courts held?

In 1834 - - - - -	14	In 1836 - - - - -	13
In 1835 - - - - -	14	In 1837 (up to order) - -	3

Number of Courts adjourned for want of Jurors or other causes?

In 1834 - - - - -	3	In 1836 - - - - -	4
In 1835 - - - - -	3	In 1837 (up to order) - -	2

All for want of business, with the exception of two or three, which were unavoidably postponed from bad health and family affliction.

Number of Cases entered for Trial?

In 1834 - - - - -	58	In 1836 - - - - -	62
In 1835 - - - - -	56	In 1837 (up to order) - -	16

Number of Cases tried?

In 1834 - - - - -	47	In 1836 - - - - -	45
In 1835 - - - - -	37	In 1837 (up to order) - -	13

Number of Appeals?

A few notices of an intention to appeal, but no appeal tried during the time specified; nor has there been any appeal tried since my appointment as seneschal in the year 1824.

Appendix (A.)

Down.

Manor of Killyleagh and Killinchy.

Sums recovered?

	£.	s.	d.
In 1834	57	–	3½
1835	42	6	10
1836	53	8	7
1837	14	11	4½

Number of Decrees signed?

The seneschal charges for no decree unless taken out; only nineteen were issued; all the remainder settled without any decree being required.

Number of Dismisses?

In 1834, 1835, 1836 and 1837, eighteen dismisses; none issued.

The seneschal is a justice of the peace for the county of Down.

Fees charged on Civil Bill?

	s.	d.		s.	d.
Summons	1	–	Decree, if taken out	1	6
Entering plaint	2	–	Fee on notice of appeal	1	–
Renewal	–	6	Dismiss	2	6
Bail-bond of appeal	1	–			

Attachments issued?

Cost of affidavit and attachment charged in such cases, 9*s.* 3*d.*

			£.	s.	d.
In 1834	13	amounting to	65	18	9½
1835	11	—	42	8	–
1836	3	—	11	2	8½
1837	2	—	11	15	–
Amount recovered or paid on above attachments being issued without further proceedings			£. 131	4	6

Attachments returned into Court?

One in years 1834, 1835, 1836 and 1837. Amount recovered, 4*l.* 10*s.* 9*d.*

I believe the fees usually paid in manor courts on trial by attachment are as follow, but cannot speak with certainty, as only one case has occurred with me during the period specified in the return.

	s.	d.		s.	d.
Affidavit and attachment	9	3	Attorney drawing costs 1*s.*, taxing 6*d.*	1	6
Entering return	1	6	*Or,*		
Attorney drawing declaration	3	6	Attorney, appearance	1	6
Filing declaration	1	–	Copy, declaration or plea, 3*d.* per sheet	–	3
Each rule	2	4	Attorney drawing plea	3	6
Venue and record	2	6	Filing plea 1*s.*, copy each rule 2*s.* 4*d.*	3	4
Bailiff summoning jury	1	–	Bail-bond	4	6
Each oath administered	–	4	Release	2	4
Recording verdict, 4*s.* 6*d.*; execution, 1*s.* 6*d.*	6	–	Filing replication	1	–

Robert Herde, Seneschal.

Manor of Kilmore.

Manor of Kilmore.

I am not aware of the number of manor courts in any of the counties in Ireland.

The jurisdiction of this manor extends over the fair towns of Kilmore and Cussgar, and five townlands or denominations of land, Kilmore, Cussgar, Camacully, Lissaru and Lisnumore.

The greatest distance of any place within this jurisdiction from Cussgar, where the courts are held, is two miles.

The patent creating the manor is dated 19th March, in the 13th year of the reign of Charles 1, to Hugh, Viscount Montgomery.

The extent of the jurisdiction is 40*s.* Irish, which is enforced by attachment or decree against the goods, and the cases tried are for recovery of small debts.

There is no marshalsea within the manor, and the seneschal has no power, nor ever attempted to exercise any, of imprisonment. The power of distress exists, and sales of goods, after four days' previous seizure and notice, as directed by Manor-court Acts.

		courts	entries	trials
From 31 December 1833	to 31 December 1834	3	6	3
— 1834	— 1835	4	5	4
— 1835	— 1836	3	4	4
— 1836	to 9 April 1837	1	5	5

		£.	s.	d.		£.	s.	d.
From 31 Dec. 1833	to 31 Dec. 1834 total amounts recovered	1	19	–	total costs	–	16	6
— 1834	— 1835 —	3	7	4	—	1	2	–
— 1835	— 1836 —	1	–	–	—	–	14	6
— 1836	to 9 April 1837 —	3	3	10	—	1	7	6
		£. 9	10	2		£. 4	–	6

It

Manor of Kilmore.

It is to be observed, however, that many processes were issued which were not entered, the defendants having settled with the plaintiff.

The number of processes amounted to about 60 annually.

There have been no appeals from any of the decrees of this court.

There were no adjournments of any courts for want of jurors.

The seneschal of this manor is not of any legal profession, nor is he a justice of the peace.

Cussgar, 10 April 1837. *Samuel Gray*, Seneschal.

Manor and Lordship of Mourne and Greencastle.

Manor and Lordship of Mourne and Greencastle.

1. The Jurisdiction of this Court extends over the Manor and Lordship of Mourne and Greencastle, consisting of the Barony of Mourne, and a district of the Barony of Upper Iveagh, called Killowan, in the County of Down, extending eight miles.
2. Dates of Patents or Charters?—I believe granted by James 1, in the year 1611.
3. Extent of Pecuniary Jurisdiction?—Same as above, lordship and barony.
4. How is it enforced?—By levy on goods, furniture, &c.
5. Description of Cases tried?—Debts.
6. Extent of Power as to Imprisonment?—None.
7. Number of Persons imprisoned?—None.
8. What kind of Prison?—None.
9. What Power of Distress exists, and how levied?—On goods, furniture, &c.
10. A Return of the Number of Courts held in each Year?

The year ending December 1834, six courts held; 74 cases tried; 59 *l.* 4 *s.*, amount of sums recovered: there was no court held in this year from the 7th March to the 14th Nov., on account of the death of the then late seneschal, John Moore. The year ending December 1835, 16 courts held; 127 cases tried; 90 *l.* 19 *s.* 2 *d.*, sums recovered. Year ending December 1836, 16 courts held; 108 cases tried; 84 *l.* 14 *s.* 5 *d.*, sums recovered.

11. Number of Courts adjourned for Non-attendance of Jurors or other cause? None.
12. Number of Cases entered for Trial?—Cannot tell.
13. Number of Cases tried?—See answer to No. 10.
14. Appeals from Decrees?—None.
15. How many Decrees were reversed?—None.
16. Return of Fees charged?—Five shillings and sixpence on each case tried.
17. Sums recovered?—See answer to No. 10.
18. Amount of Costs during said period?—Five shillings and sixpence on each case.
19. A Return of such Courts the Seneschal or Stewards of which are Members of any or what Legal Profession, or Justices of the Peace?

In consequence of the death of the late seneschal, Mr. Lewis, I have been recently appointed seneschal, coroner, and justice of the peace for the county of Down, but have not yet been sworn in.

Kilkeel, 10 April 1837. *A. Boyle.*

Manor of Mountalexander, otherwise Comber.

Manor of Mountalexander, otherwise Comber.

1. PLACES over which Jurisdiction extends.	2. Greatest Distance of any Place from ordinary Place of holding Court.	3. Dates of Patents or Charters.	4. Extent of Pecuniary Jurisdiction, and how enforced.	5. Description of Cases tried.	6. Power of Imprisonment and Number of Persons imprisoned, and Nature of Prison.
Ballycloughan, Ballyaltikilligan, Ballyhenry, Glassmoss, Ballyrickard, Ballyalton, Ballyalolly, Ballystockard, Ballemeglaft, Ballyhanwood, Balmaladdy, Ballycruly, Ballywilliam, Ballymegaghey, Ballycloughan, Edenaslate, Ravarra, Tullygirvan, Ballyrush, Barnemaghery, Castlenaverry, Cherryvalley, Troopersfield, Green Island, Killinether, Longlands, Rough Island, Ringcrewry, Comber, Mountalexander, Raffrey.	six miles.	11 October, 2 Cha. 1; and 19 Mar., 13 Cha. 1.	£. 2, late Irish currency.	Debt, assumpsit, insimul, computasset, quantum meruit, trover, trespass and detinue.	none exercised, and no person imprisoned; no prison.

(Appendix A.)

DOWN.

Manor of Mount-alexander, otherwise Comber.

7. Power of Distress, and how levied.	8. Number of Courts held in each Year, since 31 December 1833.	9. Number of Courts adjourned for Non-attendance of Jurors, or other Cause.	10. Number of Cases entered for Trial.	11. Number of Cases tried.	12. Number of Appeals, and how many reversed.
Exists under decree on civil bill; by sale of goods.	1834 - 4 1835 - 1 1836 - 2 1837 - –	1834 - 13 1835 - 17 1836 - 15 1837 - 6 No Court was adjourned for non-attendance of Jurors. The Court was not opened nor jurors summoned when no cause was entered for trial.	1834 - 4 1835 - 3 1836 - 2 1837 - –	1834 - 4 1835 - 3 1836 - 2 1837 - –	1834 - – 1835 - – 1836 - – 1837 - –

Amount of Costs on the following Proceedings during the Years

——	1834.	1835.	1836.	1837.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Civil bills issued - - -	4 10 –	3 7 6	2 5 –	—
Decrees on civil bills tried -	1 2 6	– 16 6	– 11 –	—
Bail-bonds on appeals - -	—	—	—	—
Summonses for witnesses -	– 4 –	– 3 –	– 2 0	—
£.	5 16 6	4 7 –	2 18 –	—

Fees charged in the following Proceedings during the Years 1834, 1835, 1836 and 1837:

	£. s. d.
Issuing process - - - - - -	– 1 –
Entering plaint - - - - - -	– 1 –
Execution - - - - - - -	– 2 6
Renewal - - - - - - - -	– – 6
Appeal bond - - - - - - -	– 1 –
Summoning jury - - - - - -	– 1 –

Sums recovered during the following Years:

	£. s. d.
1834 - - - - - - - -	3 4 8
1835 - - - - - - - -	3 6 11
1836 - - - - - - - -	– 13 11
1837 - - - - - - - -	– – –

Number of Decrees and Dismisses during the following Years:

DECREES.				DISMISSES.			
1834.	1835.	1836.	1837.	1834.	1835.	1836.	1837.
2	2	2	–	2	–	–	–

Alexander Montgomery, Seneschal, Solicitor and Attorney at Law.

Manor of New Comber.

The manor of New Comber includes the townlands of Drumbo, Tullyard, Creevy, Drenon, Bresagh, Cargycroy, Creevyloughan, Cahard, Drumgiven, Ballymacaramery, Half Ballylesson, Ballycoan, Ballymagarrick, Ballynahatty, Ballynavally, Edenderry, Budagh, Galwally, Ballylenaghan, Ballykiggle, Carrickmannon, Ballydollaghan, Granshaw, Lisleen, Ballybeen, Monerea, Tullyhubart, Munlough, Ballyknockan, Ballygowan, Ballymacassin, Half Ravara, Magherascoos, Drumhirk, Carnyshure, Ballyknickle, Quarter Ballygraffin, Cullintrough, Cattogs, Ballykeel, Aughley, Drumalig, all in the county of Down; and the greatest distance of any of said places from Ballygowan and Ballydollaghan, the ordinary places of holding such court, does not exceed four miles.

Charles 1, by his certain letters patent, bearing date at Dublin, 20th day of April, in the 5th year of his reign, granted unto James, Viscount Claneyboy, and to his heirs, certain lands and tenements therein mentioned, among which was the manor of New Comber.

Those letters patent authorized the said James, Viscount Claneyboy, to hold within said manor a law day or court of record, once in every three weeks, before such seneschal and seneschals as should be appointed by him and his heirs therein, and to hold pleas of all actions of debt, detinue, trespass, replevin, withernam, second deliverance and other personal and mixed actions, arising within the said manor, the debt and damages not exceeding 20 *l.* sterling; and to summon the defendants to hear and determine the same, and to grant execution upon the judgment there given against the goods of the defendant; and to receive the issues and profits of said court.

The pecuniary jurisdiction of the manor is enforced by attachment and process.

The description of cases tried are actions of debt, assumpsit and actions on the case, as described by the patent or charter.

On cases being determined, the powers given by the charter are acted upon by issuing execution against the goods of the defendant, and in like manner after a decree upon process, as prescribed by Act of Parliament.

The charter of the manor of New Comber not containing a power to issue execution against the body, consequently no person has ever been imprisoned under decrees or executions of the court.

The power of distress exists, and after due notice the amount of executions and decrees levied by sale by auction of the goods and chattels seized, in case the defendants do not pay on laying on the distresses.

The number of courts held in the year 1834 was 16; no adjournment for non-attendance of jurors or otherwise; the number held in the year 1835 was 16, there being no adjournments; and the number of courts held in the year 1836 was 16, there being no adjournments.

Cases entered for trial, under attachment, in the year 1834, none.
— entered for trial, under civil bill process, in the same year, 43.
Number of attachments issued during the same year, eight.
— of civil bill processes issued within same year, 645.
Cases entered for trial, under attachment, in the year 1835, none.
— entered for trial, under civil bill process, in the same year, 39.
Number of attachments issued during the same year, 20.
— of civil bill processes issued within same year, 623.
Cases entered for trial, under attachment, in the year 1836, none.
— entered for trial, under civil bill process, in the same year, 41.
Number of attachments issued during the same year, 13.
— of civil bill processes issued within same year, 573.
Cases by civil bill tried in the year 1834, 39.
— 1835, 39.
— 1836, 34.

No appeals were lodged from decrees or dismisses, from the 31st December 1833 to the 31st December 1836.

The Fees charged by the Seneschal of this Manor are as follow:

	£.	s.	d.
Attachment, with costs of affidavit of debt, and filing same	–	13	–
Finding of jury on trial under attachment, signing execution, &c.	1	6	10
Fee on signing process	–	1	–
— entry and decree	–	3	6
— signing dismiss	–	2	6
— an appeal	–	1	–
— an inquiry where goods are claimed by a third person	–	13	4
— judgment in scire facias cases where the bail are sued	–	10	2
— renewal decree	–	–	6
— bail to an attachment	–	1	–
— signing summons for witness	–	1	–
— receiving writ of error against judgment of court in attachment causes	–	6	2

It is impossible for the seneschal of this manor to state exactly the amounts levied or recovered on foot of the executions or decrees respectively, as they are handed over to the plaintiffs or their agents, who take the superintendence and management on themselves, on a special warrant for that purpose.

Appendix (A.)

Down.

Manor of New Comber.

	£.	s.	d.
The fees which the seneschal of this manor has received for the year 1834 amounted to	48	16	–
The like for the year 1835	54	3	–
— 1836	47	10	–

The seneschal of this manor has been in office five years and upwards, and is not a member of any legal or other profession, nor a justice of the peace.

April 1837. *Matthew Hunter*, Seneschal.

Manor and Lordship of Newry.

Manor of Newry.

Number of Manor Courts now existing in the several Counties in Ireland, specifying the Places over which the Jurisdiction of each Court extends, and the greatest Distance of any Place within such Jurisdiction from the ordinary Place or Places of holding such Court?

I am not aware of the number of manor courts in Ireland. You have herewith a printed statement of the extent of said manor and lordship. The town of Newry being situate in the counties of Down and Armagh, extends to the entire town; and the greatest extent from the sessions house in Newry (where the court is held) is 11 miles.

Return of the Dates of Patents or Charters granted to such Courts?

Grant, dated 18th February 1611, by James 1.

Return pointing out the Extent of their Pecuniary Jurisdiction?

Same as paper herewith; a distringas, 61*l.* 10*s.* 9*d.*, and process, 9*l.* 4*s.* 7½*d.*

How it is enforced?—Levy of goods, furniture, &c.

What Description of Cases are tried?—Debts.

Return pointing out the Extent of their Power, with regard to Imprisonment?

No power.

The Number of Persons imprisoned under their Decrees?—None.

Whether the Prison be one of Peculiar Jurisdiction?—No prison.

Return whether Power of Distress exists, and how it is levied?

On goods, furniture, &c.

Return of the Number of Courts held in each Year, beginning from the 31st day of December 1833?

In the year 1834 there were 13 courts; in the year 1835 there were 17 courts; and in the year 1836 there were 16 courts.

The Number of Courts adjourned for Non-attendance of Jurors, or other cause?

Two adjourned in 1835, as there was not any business.

The Number of Cases entered for Trial?

In 1834 there were 35; in 1835 there were 53; and in 1836 there were 61.

The Number of Cases tried?

In 1834 there were 29; in 1835 there were 48; and in 1836 there were 55.

The Number of Appeals from Decrees?

In 1834 none; in 1835 there were four; and in 1836 there were six.

Stating how many were tried?

I cannot state; as a person may lodge an appeal with me, and not go on with it.

How many Decrees were reversed?—None that I am aware of.

Return of Fees charged?

A distringas, 6*s.* 6*d.*; bail-bond, 6*s.* 6*d.*; process, 1*s.* 3*d.*; court of inquiry, 1*l.*; a decree 2*s.*, and entering a process, 1*s.*

The Sums recovered?

I cannot state, as the person taking out a distringas or process may not recover all.

Amount of Costs during the same period?—I cannot state.

Return of such Courts the Seneschal or Stewards of which are Members of any and what Legal Profession, or Justices of the Peace?

Justice of the peace for the counties of Down and Armagh; also seneschal and coroner for the manor and lordship of Newry.

Newry, 10 April 1837. *Isaac Glenny*, Seneschal.

List of Townlands in which the Seneschal's Court of the Manor and Lordship of Newry takes cognizance:

Town of Newry.	230 Curley.	190 Corneyhaugh.
430 Ballinacraig Lands.	278 Shinn.	264 Corcreechy.
332 Upper & Lower Commons.	263 Ardaragh.	164 Crieve.
213 Shanahan-Bag.	185 Lisnaree.	470 Grynan and Clonlea.
311 Shanahan-More.	358 Finards.	212 Tormore.
347 Gransha.	205 Upper Ballyholand.	125 Lisardboy.
268 Owley.	178 Lower Ballyholand.	292 Carnically.

211	Savilmore.	350	Crowbane.	261	Lisdrumgullion.
114	Castleanigan.	222	Ryan.	207	Derrybeg.
258	Loughorn.	172	Crowreagh.	447	Derramore and Upper Fatham.
201	Savilbeg.	377	Dyserts & Tullynavale.	284	Lisdrumliska and Drummonlane.
180	Drumcashlone.	374	Benagh.	254	Altineveagh.
300	Damolly.	327	Sheeptown.	57	Fatham.
156	Cloughenramer.	218	Edenmore.	141	Ballinlear.
207	Carnmeen.				
176	Lisduff.	9,664	County of Down.	11,434	County of Armagh.
178	Derryboy.				
328	Derrylacka.	119	Carnbane.		

MANOR OF NEWTOWN.

1. PLACES over which Jurisdiction extends.	2. Greatest Distance of any Place from ordinary Place of holding Court.	3. Dates of Patents or Charters.	4. Extent of Pecuniary Jurisdiction, and how enforced.	5. Description of Cases tried.	6. Power of Imprisonment and Number of Persons imprisoned, and Nature of Prison.
Ballyskeaugh, Ballymoney, Ballyrogan, Ballyalton, Ballymagreehan, Ballybarnes, Ballycullen, Ballyharry, Ballyhinney, Ballyalicock, Ballywatticock, Ballyrea, Bowtown, Ballyhaft, Ballyblack, Ballyewery, Ballycastle, Crossnemuckly, Cunningburn, Craigoglantlet, Cronstown, Drumhirk, Drumawhey, Greengraves, Greggstown, Killarn, Kilinaterney, Lougheriescouse, Loughmaroney, Milecross, Movilla, Turnegardy, Whitespots, Corporation of Newtown.	four miles	-- 11 October, 2 Cha. 1; and 19 Mar., 13 Cha. 1.	- £.10, late Irish currency. £. 5, late Irish currency.	-- In cases of debt, assumpsit, insimul, computasset -- In cases of quantum meruit, trover, trespass and detinue.	-- None exercised, and no persons imprisoned. No prison. The charter of 2 Charles 1. gives power to have a prison, but none has been in the manor within the memory of man.

7. Power of Distress, and how levied.	8. Number of Courts held in each Year, since 31 December 1833.	9 Number of Courts adjourned for Non-attendance of Jurors, or other Cause.	10. Number of Cases entered for Trial.	11. Number of Cases tried.	12. Number of Appeals, and how many Reversed.
Exists under decree on civil bill and mesne process, by attachment, by sale of goods.	1834 - 12 1835 - 11 1836 - 7 1837 - 2	1834 - 7 1835 - 6 1836 - 12 1837 - 3	1834 - 28 1835 - 21 1836 - 24 1837 - 17	1834 - 27 1835 - 19 1836 - 24 1837 - 15	1834 - 1 1835 - - 1836 - 1 1837 - -

Only one court was adjourned for want of jurors during these four years. The other courts were not held chiefly in consequence of no business being entered. Often, after the seneschal and jurors were in attendance, defendants paid their debts to save further expense. Large sums were thus recovered, of which no record remains.

Appendix (A.)

Down.

Manor of Newtown.

Number of Civil Bill Decrees and Dismisses in the following Years:

DECREES.				DISMISSES.			
1834.	1835.	1836.	1837.	1834.	1835.	1836.	1837.
19	13	16	7	5	4	6	3

Amount of Costs on the following Proceedings during the Years

——	1834.	1835.	1836.	1837.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Civil bills issued	31 10 0	23 12 6	27 – –	19 2 6
Attachments issued	6 7 6	5 14 9	3 3 9	2 11 –
Records originating by attachment	3 3 –	– – –	6 6 –	—
Decrees on civil bills tried	7 8 6	5 4 6	6 12 –	4 2 6
Bail bonds on appeals	– 1 –	– – –	– 1 –	—
Bail-bonds to attachments	– 6 8	—	—	—
Summonses for witnesses	1 8 –	1 1 –	1 4 –	– 17 –
£.	50 4 8	35 12 9	44 6 9	26 13 –

Fees charged on the following Proceedings during the Years 1834, 1835, 1836, 1837:

	£. s. d.
Issuing process	– 1 –
Entering plaint	– 1 –
Execution	– 2 6
Renewal	– – 6
Appeal bond	– 1 –
Summoning jury	– 1 –
Drawing and engrossing affidavit of debt, and swearing, drawing and signing attachment	– 12 9
Entering attachment	– 2 6
Filing declaration	– 2 6
Rule to plead	– 3 4
Filing plea	– 2 6
Notice of trial	– 3 4
Summoning jury	– 3 4
Recording verdict	– 3 4
Execution	– 8 4

Sums recovered during the following Years:

	£. s. d.
1834	48 12 2
1835	22 18 10½
1836	44 11 2
1837	23 16 9

Sums for recovery of which Attachments issued and afterwards not proceeded on, supposed to have been settled, during the Years

	£. s. d.
1834	54 11 10
1835	56 3 11
1836	11 14 2
1837	21 10 –

I certify the above to be a true return of the various matters relative to the manor court of Newtown, pursuant to the orders of the Select Committee on Manor Courts, dated the 14th day of March and 21st day of April 1837.

I also certify that I am a solicitor in the Court of Chancery in Ireland, and an attorney of His Majesty's Courts of King's Bench, Common Pleas and Exchequer.

Alexander Montgomery, Seneschal.

Manor of Portaferry.

The Manor of Portaferry, in the Barony of Ards, and County of Down, comprises the Town of Portaferry, and the following 30 Townlands; viz., Tallyboard, Ballymurphey, Ballymanish, Ballynickol, Dunevely, Ballybrannigan, Kearney, Knockinelder, Kintagh, Killydressy, Creagroddin, Tarrah, Ballyquintin, Tullycharnan, Carstown, Granagh, Tuoshilly, Ballyfoner, Ballywierd, Bankmore, Corrogue, Ballyhearly, Dirrey, Ballyfineragh, Ballycalm, Ballygarvigan, Ballyhenry, Ballyrusley, Ballyblack, and Tullynacrew.

The greatest distance that any of the above townlands are from Portaferry, where the manor court is held, is three miles.

The charter for the manor of Portaferry, and holding a court therein every three weeks, was granted by Charles 2, but refers to a former patent granted by Elizabeth. The exact dates I cannot specify, in consequence of Col. Nugent, the proprietor of the manor, being at present from home, and the patents are lodged in the safe in his office.

The jurisdiction of the court extends merely to 40 *s.* late Irish currency, which is sued for by process; and, after trial by jury, is recovered in the usual way by the bailiff of the court seizing the property of defendant, and bringing it to sale at the proper time; but the seneschal has no power of imprisoning for any decree of the court. The cases are merely tried for debts contracted in the manor. There is a power of distress vested in the seneschal, where persons are suspected of intending to remove their property out of the manor; of granting attachments not exceeding 40 *s.* late Irish currency, being as far as the jurisdiction of the court extends; but, as the law requires that, before the property seized in this way can be disposed of, hearings for three succeeding courts must take place, and at a very heavy expense to the parties, I have studiously avoided granting attachments, except in particular cases; nor have I ever had the thing carried through in court in the manner mentioned; rather using my influence to get the matter settled, and thereby foregoing any emoluments that I would be entitled to on the occasion. The charge for an attachment is 6 *s.* 8 *d.*, but in going through the three courts as above mentioned, the charges would be upwards of 40 *s.*

One shilling is the charge for each process to the court.

Total cost of trial in the court, either for decree or dismiss, 5 *s.* 6 *d.*, which includes the cost of entry, which is 3 *s.*, and process, 1 *s.*

Appeal from the court to the judge of assize, say for bond, &c., 6 *s.* 8 *d.*; but although there have been appeals, yet there never has been an instance of any of them being carried to the assizes since I became seneschal, say upwards of 25 years; the parties having come to a settlement before the time came on.

Seventeen manor, or, what is properly termed, courts baron, are held in each year, say one every three weeks; to which jurors are always correctly summoned, and who have always been punctual in their attendance.

During the year 1834 there were 13 courts held; and four adjournments, the cases having been all amicably settled; 43 cases were entered for trial at the above 13 courts, and 34 of them came to a hearing. Two appeals were entered, but never were carried before the judge of assize. No decrees reversed.

In the year 1835, 15 courts were held, and two adjournments; 45 cases for trial were entered, and 37 of them tried; one appeal entered, but never carried before the judge. No decrees reversed.

In the year 1836, 13 courts were held, and four adjournments; 42 cases for trial were entered, and 33 of them brought to trial; one appeal entered, but settled afterwards. No decrees reversed.

Note.—On no occasion whatever did any of the courts adjourn for want of jurors, but merely because the cases were all settled.

Emoluments of the Seneschal in the Manor of Portaferry.

	£.	s.	d.
In the first week in June in each year a court-leet is held for the purpose of appointing a grand jury, constables, applotters and appraisers for the ensuing year, and for transacting any other manor business that comes before them; on which occasion the leet-money, or what is generally termed head silver, is collected from each of the leaseholders in the manor; which consisting of 440, or as near that number as possible, at 1 *s.* each, is	22	–	–
In the year 1834, 140 court processes were issued, at 1 *s.* each	7	–	–
Forty-three cases were entered in court for trial, at 3 *s.* each	6	9	–
Thirty-four of which were tried, at 1 *s.* 6 *d.* additional costs, the entire cost of a decree or dismiss, including process and entry, being 5 *s.* 6 *d.*	2	11	–
Granted nine attachments, at 6 *s.* 8 *d.* each	3	–	–
Two appeals from the court to the judge of assize, neither of which came to a hearing there, at 6 *s.* 8 *d.* each	–	13	4
Total	£. 41	13	4

Appendix (A.)

Down.

Manor of Portaferry.

During the year there were 13 courts held, and four adjournments.

The statement for the year 1834, being as nearly as possible an average of the two succeeding ones, I thought it unnecessary to make them out, and the statement generally is as near the mark as possible.

Note.—I am not a member of any legal profession, or a justice of the peace.

12 April 1837. *Thomas Gelzton*, Seneschal and Merchant.

Manor of Rathfryland.

Manor of Rathfryland.

The sum to which the courts of said manor extend is 100 *l.*, by letters patent, dated 18th September, 34 Charles 2; the jurisdiction of which extends over the town of Rathfryland, in which town the courts of said manor are held, for sixty-eight denominations of townlands; the greatest distance whereof is ten miles, or thereabouts, from said town, which is the ordinary or only place of holding the courts of said manor.

There is no manor prison, nor any person arrested or imprisoned by order or decree of said court, since the time of the seneschal's appointment, which was in 1821.

The description of cases tried in the courts of said manor are actions in debt, and on the case, by civil bill process only, and by a jury. The decrees, founded on verdicts, are levied by the manor bailiff, when necessary, by sale at auction of the goods of the party decreed.

The courts of said manor, beginning from the 31st day of December 1833, stated in the said order, have been held on the first Tuesday of every month since, in the court-house of Rathfryland, commencing at 11 o'clock before noon, being 12 in each year; and none of said courts were adjourned for non-attendance of jurors, or other cause, until the cases entered for trial were disposed of.

The cases entered for trial, from the time specified in the order, were 556; of these cases 309 were tried, and of appeals therefrom eleven; but the seneschal cannot state how many of such appeals were tried, nor whether any of them were reversed.

The total amount of fees on trial, and issuing each decree, is limited to 6 *s.* 6 *d.*, although in poor cases often not charged. The sums decreed during the same period were 890*l.* 6*s.* 6*d.*, and the costs thereon were 88 *l.* 1 *s.* 6 *d.*

The undersigned remains on the roll a solicitor of the Court of Chancery in Ireland, although for several years before and ever since he became seneschal of this manor, he being far advanced in life, has not practised professionally; he is not a justice of the peace.

7 April 1837, *Crane Brush*, Seneschal.

Manor of Saintfield, otherwise Tonaghnieve.

Manor of Saintfield, otherwise Tonaghnieve.

The courts are held in the court-house in the town of Saintfield, a spacious building for the purpose; the petty and road sessions are usually held in same place.

The greatest distance of any place within the jurisdiction of the manor court is about three miles from the court-house.

I have never seen the patent or charter granted to this court; I rather think it is a court by prescription: I have found among its records here the affidavit of Peter Doran, made in the year 1787 (fifty years ago), before G. Hamilton, one of the barons of the Exchequer, signed by Baron Hamilton, and dated 6th August 1787. In that affidavit Peter Doran swears "that he is eighty years old and upwards; that since his memory a court has been held in and for the said manor, commonly called the manor of Saintfield, otherwise Tonaghnieve, which he had frequently attended, and which was then regularly kept every three weeks; and that he had known William Johnston, James Smith, Joseph Coulter, Henry Savage and Alexander Gordon to be seneschals thereof, and that Alexander Gordon then held the courts there."

The extent of the court's jurisdiction is 10 *l.* Irish currency.

The description of cases tried are all cases of debt within the jurisdiction of the court, say notes, book debts, and other small debts or accounts due between man and man; also trover, trespass, &c.

The power of the court does not extend to imprisonment; the decrees or orders can only be against the goods and chattels of the defendants. The power of distress is by taking and selling the defendant's goods and chattels by the bailiff of the court, after a jury have given their verdict, and the seneschal has issued his decree to that effect.

The number of courts held, from 31st December 1833 to 31st December 1834, were 16; six of them were adjourned for want of business or non-attendance of jurors. The number of cases entered for trial in that year were 39; seven of these were paid or compromised before trial.

The number of courts held, from 31st December 1834 to 31st December 1835, were 16; seven of these were adjourned for want of business. The number of cases entered for trial were 35; four of these were paid or compromised before trial.

The number of courts, from 31st December 1835 to 31st December 1836, were 15; six of these adjourned for want of business. The number of cases entered for trial were 29; five of these were paid or compromised before trial.

The

The number of summonses or processes issued, returnable to the next court to be tried, might be about 150 for each of these years; but the greatest part were paid or compromised before coming to trial.

The number of appeals from decrees are very few; in 1834, there were three, but none were tried before the judges of assize, the parties having submitted and paid.

Manor of Saintfield, otherwise Tonaghnieve.

The number of appeals in 1835 were two; one of these only was tried by the judge of assize, and confirmed.

The number of appeals in 1836: there were two appeals, but not tried, the parties having submitted.

The fees charged on each summons, if tried, are 5*s.* 6*d.* (British); if not tried, 1*s.* only for issuing the summons.

The sums recovered in 1834 were 131 *l.*; costs 9*l.* 7*s.*
— 1835 — 94 *l.*; — 9*l.* 12*s.* 6*d.*
— 1836 — 109 *l.*; — 8*l.* 14*s.* 6*d.*

The seneschals or stewards have been, with very few exceptions, the land agents or receivers of the rents of the manor (for the family of the Prices). I have been in these offices for the last 34 years.

Saintfield, 8 April 1837. *John M'Burney,* Seneschal.

Manor of Seaforde, alias Tyconaught.

Manor of Seaforde, alias Tyconaught.

Places over which the Jurisdiction extends?

Artana, Castlenavin, Clara, Comber, Drumcaw, Drumaness, Drummenakelly, Drumgooland, Drumarvad, Dinanew, Rosconnor, Dunturk, Scribb, Tonaghmore, Seaforde, Tullinacree, Tevenadarra, Sevaghan, Tecormet, Magheralone, Drumnaquoil, Murvaclougher, Farranfad, Drummanaghan and Cumran.

Greatest Distance of any Place within such Jurisdiction from the Place of holding such Court?

Five miles.

Date of Patent?—26th July, in the 13th year of the reign of Charles 1.

Extent of Pecuniary Jurisdiction?—Forty shillings, late Irish currency.

Jurisdiction, how enforced?—By summons, attachment, decree, or execution.

Description of Cases tried?

Actions of debt, covenant, trespass, account, detinue, or assumpsit, the cause whereof arises within said manor.

Extent of Power with regard to Imprisonment?

The patent creating the manor, grants generally the same power and authority that is wont to be exercised in any similar court within the kingdom of England or Ireland.

Number of Persons imprisoned under Decrees?—None.

Whether Prison be one of Peculiar Jurisdiction?—None.

Whether Power of Distress exists, and how it is levied?—By decree or execution.

Number of Courts held in each Year, beginning from 31st December 1833?

In 1834, 17; in 1835, 17; in 1836, 17; and in 1837, up to date of order, 3.

Number of Courts adjourned for Non-attendance of Jurors or other cause?

In 1834, none; in 1835, none; in 1836, none; and in 1837, up to date of order, none.

Number of Cases entered for trial?

In 1834, none; in 1835, none; in 1836, none; in 1837, up to date of order, none.

Number of Cases tried?

In 1834, none; in 1835, none; in 1836, none; in 1837, up to date of order, none.

Number of Appeals from Decrees?

In 1834, none; in 1835, none; in 1836, none; and in 1837, up to date of order, none.

Number of Appeals tried?—None.

Number of Decrees reversed?—None.

Fees charged?

For issuing a summons, 1*s.*; for entering each cause, 1*s.*; for each decree, 2*s.* 6*d.*

Sums received during same period?

In 1834, none; in 1835, none; in 1836, none; in 1837, up to date of order, none.

Amount of Costs during same period?

In 1834, none; in 1835, none; in 1836, none; and in 1837, up to date of order, none.

Whether Seneschal is a Member of any and what Legal Profession, or a Justice of the Peace?

The seneschal is a justice of the peace, but not a member of any legal profession.

14 April 1837. *George Gordon,* Seneschal.

Appendix (A.)

Down.

Manor of Strangford.

Manor of Strangford.

This manor extends and has jurisdiction over the following townlands: viz. Upper and Lower Strangford, Cloughey, Legnagappock, Upper and Lower Killard, Ballyhornan, Seahornan, Ringawoody, Tullyfoile, Carracasey, Whitehills, Carga, Tullyratty, Stokestown, Bonecastle and Castlescreen.

Its court has been heretofore and still is held in Strangford. The distance from the latter to the extreme end of its jurisdiction, namely, Bonecastle and Castlescreen, is within nine miles; the other townlands lying contiguous. Its patents, a copy of which is lodged in the proper office of the clerk of the peace of the county, was granted by Henry 8, in his 7th year, and is dated 7th October.

It appears to have pecuniary jurisdiction up to 100 *l.* of the late currency, by decree of the court, obtained upon hearing, after summons or civil bill, served in the usual way upon the party to attend, in all cases of debt, assumpsit, detinue, trover and quantum meruit.

There is no prison attached to it; consequently the decrees have been granted against the goods of the party, and in no instance, within my stewardship, against the person.

The established court day is the second Friday in each month; and from the 31st of December 1833, there have been 12 in each year, save and except in four instances, when adjournments were necessary in consequence (at times) of non-attendance of jurors, no cases for trial, or indisposition of seneschal; during such period there were 46 cases entered for trial, of which 46 were heard and determined, and from which there were no appeals. The fees charged on each decree or dismiss were 5*s.* 11 ½ *d.*

I am land agent to the Right Hon. the Baron de Ros, the proprietor of the manor, and am neither a justice of the peace, nor member of any legal profession.

16 April 1837. *Thomas Henderson*, Seneschal.

Manor of Tollymore.

Manor of Tollymore.

The Places over which the Jurisdiction of each Court extends, with greatest Distance of any Place within it from the place of holding Court?

The townlands of Tollymore, Ballincleve, Cloncullen, Ballyhaffrey, Aghacullen, Burren and Phophenny. Four miles the greatest distance.

Date of Patent or Charter?

Letters patent from Charles 1, 28th year of his reign, constitute court-leet, court-baron and court of record.

Extent of Pecuniary Jurisdiction, how enforced?

Court-leet has power to "inquire of felonies, trespass, nuisances," &c.

What Description of Cases tried?

Court-baron, "actions of debt, covenant, trespass, account, contract or detinue, and all other cases, &c. which in debt or damages exceed not 40 *s.* current money of England."

Extent of Power with regard to Imprisonment?

A law-day or court of record, to hold "plea of all manner of action of debt, detinue, trespass, replevin, withernam, second deliverance, and all other personal and mixed actions, when the debt shall not exceed 5*l.* sterling." Power given to issue out execution for satisfaction of judgment of the court, either upon the body, goods or lands of defendant.

Number of persons imprisoned under Decree?—None.

Whether Prison be one of Peculiar Jurisdiction?—No prison.

Whether power of Distress exists, and how levied?

The power exists, but has not been exercised by the present seneschal.

Number of Courts held since 31st December 1833?—None.

Number of Courts adjourned, &c.?—None.

Number of Cases entered for Trial?—None.

Number of Cases tried?—None.

Number of Appeals from Decrees, &c.?—None.

Fees charged, Sums recovered, and amount of Costs?

None, save leet-money, as reserved by leases, amounting to about 15*l.* yearly.

19 April 1837. *W. S. Hill*, Seneschal, and Justice of the Peace.

COUNTY OF DUBLIN AND COUNTY OF WICKLOW.

Manor of Bray, Delgany and Kendlestown.

No. 1.—DATE of the Patent or Charter granted to such Court; the Places over which the Jurisdiction of such Court extends; the greatest Distance of any Place within such Jurisdiction from the Ordinary Place of holding such Court; the Extent of its Pecuniary Jurisdiction; how it is enforced; what Description of Cases are tried; the Extent of its Power with regard to Imprisonment; whether the Prison be of peculiar Jurisdiction; whether the Power of Distress exists, and how it is levied.

1. COUNTY.	2. MANOR COURT.	3. DATE OF PATENT.	4. Places over which the Jurisdiction extends.	5. Greatest Distance of any such Place from the Court-house.
Counties of Dublin and Wicklow.	- - Manor of Bray, and lordship of Delgany and Kendlestown.	- 1539, in the 39th year of the reign of King Henry the Eighth.	- - Great and Little Bray, Delgany and Kendlestown, and their neighbourhoods.	- - Delgany and Kendlestown, being upwards of five miles from the court-house held in Little Bray.

6. Extent of Pecuniary Jurisdiction.	7. How Enforced.	8. Description of Cases Tried.	9. Extent of Power with regard to Imprisonment.	10. If Prison be of peculiar Jurisdiction.	11. If Power of Distress, and how Levied.
Unlimited -	- - By decree in execution against person or goods of the defendant.	- - Cases in assumpsit, trespass, debt, covenant, action on case, ejectment.	Unlimited -	No - - -	- - Yes; levied by the marshal of the court, by sale of defendant's goods.

No. 2.—NUMBER of Courts held for each Year, beginning from the 31 December 1833; the Number of Courts adjourned for Non-attendance of Jurors, or other Causes; the Number of Cases entered for Trial; the Number of Cases tried; the Number of Appeals from Decrees, stating how many were Tried and how many Reversed; the Number of Persons imprisoned under these Decrees.

—	Number of Courts held in each Year.	Number of Courts adjourned from Non-attendance of Jurors, or other Causes.	Number of Cases entered for Trial.	Number of Cases Tried.	Number of Appeals.	Number Tried.	Number of Decrees Reversed.	Number of Persons in Prison under Decree.
1834	12	2	62	51	none	none	none	2
1835	10	4	68	52	none	none	none	2
1836	10	3	53	49	1	none	none	2

No. 3.—FEES charged, the Sums recovered, and the Amount of Costs during the same Period; and also if the Seneschal be a Member of any, and what, legal Profession, or a Justice of the Peace.

1. FEES CHARGED.	2. Sums recovered for the Years			3. Amount of Costs for the Years		
	1834.	1835.	1836.	1834.	1835.	1836.
s. d. Seneschal: £.	£. *s. d.*	£. *s. d.*	£. *s. d.*	£. *s. d.*	£. *s. d.*	£. *s. d.*
1 – on each process - - to 10	63 9 3	126 6 2	115 3 –	17 11 –	18 10 6	15 10 6
2 – - — - - - to 100						
3 – - — - - above 100				Marshal,	Marshal,	Marshal,
1 – on each entry of process.				1 16 6	1 14 6	1 14 6
4 6 on each decree - - to 10						
5 6 - — - - - to 100						
6 6 - — - - above 100						
5 6 on each dismiss.						
1 – on each appeal bond.						
Registrar:						
1 – on each subpœna and copies.						
1 – on each process - - to 10						
2 – - — - - - to 100						
3 – - — - - above 100						
Marshal:						
1 – on each entry,						
– 6 on first pound, and						
– 3 on every other pound, on each decree.						

4. Name of Seneschal.	5. If Member of any, or what, legal Profession.	6. If Justice of the Peace.
Thomas Fred. Kelly -	- - Barrister at law, and LL.D.	- - Yes; for the counties of Dublin and Wicklow.

Thomas F. Kelly, Seneschal.

John M'Laughlin, Registrar.

Appendix (A.)

DUBLIN.

Manor of Grange Gorman.

MANOR OF GRANGE GORMAN.

1.—OVER what Jurisdiction does the Manor Court extend?

It comprehends the baronies of Coolock, Castlenock and Rathdown; and manors of Kingstown, Glasnevin and Grange Gorman, situate in the county of Dublin; and also the lordship of St. Mary's Abbey, which comprises a great portion of the city and county of the city of Dublin.

2.—What is the greatest Distance within such Jurisdiction from the ordinary Place or Places of holding such Courts?

About 12 miles.

3.—What is the Date of Charters or Patents granted to the Court?

The existing grants and charters from Henry 8th, Edward 6th and James 1st.

4.—What is the extent of its Pecuniary Jurisdiction?

The pecuniary jurisdiction of the court extends, by prescriptive usage, to a high amount; cases are tried from 5 *s.* to 100 *l.*; cases for 20 *l.* are frequent; last week a summons for 96 *l.* was tried before a very respectable jury; counsel and attorney attended on each side; the costs to which the party succeeding was entitled to was only 10 *s.* 6 *d.* In the superior courts the costs of the same case might have been 60 *l.* There was no appeal from the decision.

5.—How is it enforced?

The verdicts of the jury are enforced by the decree of the seneschal, backed by the warrant of his marshal.

6.—What description of Cases are tried?

Every species of action personal may be tried.

7.—What

7.—What extent of Power has such Court with regard to Imprisonment?
Persons arrested under decrees of the manor court aforesaid are committed to the county and city gaols by an Act of Parliament, which provides such places of confinement for debtors in cases where there are no existing prisons belonging to manor courts, wherein they are confined until discharged by payment of the debt, by the Insolvent Act, or by failure of weekly sum of 2*s.* 6*d.* by the plaintiff, in cases where the seneschal orders such weekly sums to be paid.

8.—What Number of Persons have been Imprisoned under Decrees?
The number of persons who have been imprisoned by the seneschal since 31st December 1833 have been 95.

9.—Is the Prison one of peculiar Jurisdiction?
The prisons to which the prisoners may be sent from Grange Gorman, are Kilmainham and Newgate, the former belonging to the county, the latter to the city of Dublin.

10.—Does Power of Distress exist; and if so, how is it levied?
Power of distress does exist, and is levied by the decree of the seneschal, backed by the marshal's warrant, against the goods of the defendant in the first instance, and against the person of the defendant, on an affidavit made by the marshal of no goods being found; it is also levied by attachment, upon an affidavit of debt being sworn before the seneschal, and lodged with his registrar, but only in cases where the sum sought to be recovered exceeds 10*l.*

11.—What number of Courts are held in each Year, commencing 31st December 1833?
The court has been held on every Friday in the year, at the north side of Dublin; and on every second Friday in the year, at Kingstown, for the south side of Dublin, since 31st December 1833.

12.—What number of Courts are adjourned for Non-attendance of Jurors, or other cause?
There never has been an instance of the court being adjourned for non-attendance of jurors; the jurors attend willingly on being summoned; and although fines have been struck against jurors for non-attendance, it has seldom been found necessary to enforce them. The jurors have invariably expressed their satisfaction of the mode of doing the business of the court, and consider the jurisdiction to be of great utility to the neighbourhood in the speedy and cheap recovery of small debts, which would be attended with inconvenience and expense if sued for at more distant courts.

13.—How many Cases entered for Trial during the above period?
There has been 2,493 cases entered.

14.—How many have been tried?
There has been 2,286 tried.

15.—How many Appeals from Decrees?
There has been, during the foregoing period, about 68 appeals, the principal part of which are lodged for the purpose of delay; not more than 10 have been reversed.

16.—What are the Fees charged in the Manor Court of Grange Gorman?
On each decree under 10*l.* the fees are 8*s.* 6*d.*, and over 10*l.* the fees are 10*s.* 6*d.*, made up as follows: under 10*l.*, summons 2*s.*, entry 2*s.*, decree 4*s.* 6*d.*; over 10*l.*, summons 3*s.*, entry 2*s.*, decree 5*s.* 6*d.* Summonses are given gratis to paupers; and in several cases of trifling amount no decree has been charged; and the costs of the decree often vary according to the amount recovered. The marshal's fees on executing decrees are 6*d.* in the first pound, and 3*d.* on every pound after.

17.—What is the Amount of Debts recovered, and Amount of Costs during same period?
The debts recovered amount to 8,058*l.* 10*s.* 11½*d.*; the sums demanded are nearly double that amount; and the costs have exceeded 1,099*l.*

18.—Is the Seneschal or Stewards of the Court Members of any, and what, Legal Professions?
The seneschal is a barrister; the stewards are not members of any legal profession.

Mr. Cole, the seneschal of the manor of Grange Gorman, is also seneschal of the manors of St. Mary's Abbey, and of the manor of Kingstown. The local jurisdiction of the manor of Grange Gorman is supposed to have extended from Dublin, on the north side, to Drogheda, and on the south side to Bray. The existing grants and charters conveying to the dean and chapter of Christ Church, who are the patrons of the manor of Grange Gorman, do not define the actual boundaries of the manor, but convey the said manor as it belonged to the prior and convent of the Holy and Undivided Trinity. The original papal grants of the several lordships, manors, &c., are, probably, only to be found in the Vatican at Rome; the seneschal, however, has followed the precedents of his predecessors in office, and exercises a jurisdiction over the lands of the dean and chapter of Christ Church, and issues his summons through a large territory.

11 April 1837. *Henry Cole.*

Appendix (A.)

Dublin.

Liberty of Kilmainham.

Liberty of Kilmainham.

1.—Over what Jurisdiction does this Court extend?
The jurisdiction of this court extends over the barony of Newcastle, in the county of Dublin.

2.—What is the greatest Distance within such Jurisdiction from the Place or Places of holding such Court?
About nine miles.

3.—What is the Date of Charter or Patent of such Court?
This is a court by prescription, but recognised by several statutes, and denominated therein the Court of the Liberty of Kilmainham. By the 11 & 12 Geo. 3, c. 11, s. 2, the seneschal of this court was made in virtue a governor of the Foundling Hospital and Workhouse.

4.—What is the extent of its Pecuniary Jurisdiction?
This court seems to have exercised formerly pecuniary jurisdiction to a considerable extent. In an old record of its proceedings it is stated, that in 1783 an attachment issued against the goods of Sir John Irvine, knt., to the extent of 357 *l.* This process by attachment and seizure of the goods in the first instance has been altogether discontinued by the present seneschal, from its expensiveness and liability to abuse, and he has deemed it proper to regulate its proceedings within the limits of the statutes 25 Geo. 3, c. 44, and 7 Geo. 4, c. 41., giving jurisdiction in a summary and unexpensive form in cases of debt, assumpsit and insimul computasset, not exceeding the sum of 10 *l.*; and in all cases of quantum meruit, trover, trespass or detinue, not exceeding the sum of 5 *l.* Irish.

5.—How is it enforced?
The verdicts of the jury are enforced by the decree of the seneschal against the goods or person of the defendant. In most of the cases the suitors are very poor, and the sums claimed under 40*s.*: in respect to this class, the court and jury have and exercise the power of directing the payment by weekly or other instalment, so that the entire sum be paid within three months. This course of proceeding generally prevents the necessity either of seizing the goods or arresting the person.

6.—What Description of Cases are tried?
This query is answered in Nos. 4 & 5.

7.—What extent of Power has the Court with regard to Imprisonment?
The execution is issuable against body or goods, as in the case of civil bills, and as directed by the 25 Geo. 3, c. 44, s. 3. Persons so arrested are committed to the county gaol, wherein they are confined until discharged either by payment of the debt, the Insolvent Act, or by failure of the payment of the weekly sums of 2*s.* 6*d.* by the plaintiff, in cases where the seneschal orders such weekly sums to be paid.

8.—What Number of Persons have been imprisoned under Decrees since 21 December 1833?
Twenty persons under decrees from this court.

9.—Is the Prison one of peculiar Jurisdiction?
There is no prison of peculiar jurisdiction to this court.

10.—Does Power of Distress exist; and if so, how is it levied?
The power of distress, in respect to attachment or any description of mesne process, was exercised, but has been uniformly discontinued by the present seneschal, in manner as more fully explained in No. 4.

11.—What Number of Courts are held in each Year?
In 1834 there have been 22 courts held; in 1835, 21; in 1836, 18; and in 1837, 7 courts have been held.

12.—What Number of Courts are adjourned for Non-attendance of Jurors, or other Causes?
The court sits every second Monday, and has not been adjourned for non-attendance of jurors; but it has been adjourned quarterly for a week or fortnight, to meet the circumstance of the seneschal's absence from town as an assistant barrister.

13.—How many Cases entered for Trial?
There have been since the 31st December 1833, 373 cases entered for trial.

14.—How many tried?
There have been 280 of the above tried; of these a large number were nilled, to save costs to poor parties, or the parties were unable to take out a dismiss; so that it appears that dismisses have only been applied for and granted in 18 cases.

15.—How many Appeals from Decrees, how many tried and how many reversed?
None.

16. What

16.—What are the Fees charged in this Court?

The majority of the cases being under 40*s.*, and the suitors so poor, the seneschal has limited the costs to 5*s.* 6*d.* on the whole suit, exclusive of the marshal's fees on the levy, which are 6*d.* on the first pound and 3*d.* on each pound after. Where the defendant was poor, the seneschal permitted him to save the expense of the decree by paying instanter.

17.—What Sums have been recovered, and what is the Amount of Costs during the above period?

The sums that have been recovered amount to 425*l.* 12*s.* 2*d.* With respect to the latter part of this query, an exact answer cannot be given, inasmuch as the seneschal in many instances did not charge them with costs of decree on immediate payment, and a great portion of decrees pronounced and made payable by weekly instalments were never taken out or paid for by the plaintiffs; but in every case where the decree was taken out, and these were about half the entire, the costs were as stated in the last preceding answer.

18.—Is the Seneschal or Steward Member of any, or what Legal Profession?

The seneschal is a barrister.

8 May 1837. *John Finlay*, Seneschal.

Manor of St. Patrick's Close.

1.—Extent of Jurisdiction?

This liberty, surrounding the cathedral, covers an area of 4 ½ acres, containing about 130 houses and 2,000 inhabitants. The court has always been held in an apartment taken off one of the aisles in the cathedral.

2.—Date of Grants and Charters?

1190. First charter granted by John Comyn, Archbishop of Dublin, with the consent of Crown.

1219. Archbishop Henry Deloundres extended the jurisdiction of the Dean of St. Patrick, giving him pleas at large over all persons, whether clerks or laymen, residing within his liberty.

1266. Pope Clement 4, by his bull, confirms at large, to the dean and chapter, all privileges, liberties and immunities granted by his predecessors the popes, and also all liberties and exemptions from secular exactions hitherto given them by kings and princes, or other faithful Christians.

1474. Act of 4 Edward 4, confirming the foundation charters of the dean and chapters, under King John and the three Archbishops of Dublin, Henry, Luke and John.

1546. On the 8th of January this year, by command of King Henry 8, this cathedral, with all its possessions, was forcibly surrounded, without the leave and consent of the patron, the Archbishop of Dublin.

1555. 15th day of June, 1 & 2 of King Philip & Queen Mary, then, by their letters patent, restored to its pristine state with a full enjoyment of all its former rights and liberties, and among other rights, the dean and chapter are restored to this part of their jurisdiction, to hold courts leet and view of frankpledge; and under this chapter the dean and chapter have exercised their right of holding courts leet to the present time in their liberty, which lies in a certain district within the lordship of St. Sepulchre, having independent rights granted by their founders, and do therefore constitute a manor within a manor.

The dean and chapter have, for time immemorial, by their seneschal, exercised several acts of jurisdiction; have appointed their own seneschal, who holds courts leet, to which all the inhabitants of the liberty of the close have done suit and service, sworn grand juries and constables, granted warrants for levying cesses, made presentments, appointed scavengers, inspected the pavements, the markets and the bread.

Pecuniary jurisdiction	none.
Imprisonment	no power.
Person imprisoned	none.
Prison	none.
Courts held since 1833	none.
Cases entered for trial	none.

The powers formerly exercised by this court have been gradually taken away by recent enactments: the paving, cleansing and lighting is now done by the paving corporation; the watch, by the chief magistrate of police; and the county cess is now collected by the grand jury of the county, sending in their collector, instead of sending the warrants, as heretofore, to the seneschal to have it levied and collected by him, and paid over to the county treasurer. From the foregoing circumstances, the seneschal has not held a court leet for the last four years, there being no business to transact.

1, Merrion-square, Dublin,
22 April 1837. *J. D. Clarke*, Seneschal.

CITY AND COUNTY OF DUBLIN.

Manor of Thomascourt and Donore.

No. 1.—DATE of the Patent or Charter granted to such Court; the Places over which the Jurisdiction of such Court extends; the greatest Distance of any Place within such Jurisdiction from the ordinary Place of holding such Court; the Extent of its Pecuniary Jurisdiction; how it is enforced; what Description of Cases are tried; the Extent of its Power with regard to Imprisonment; whether the Prison be of peculiar Jurisdiction; whether the Power of Distress exists, and how it is levied.

1. COUNTY.	2. MANOR COURT.	3. DATE OF PATENT.	4. Places over which the Jurisdiction extends; In all 62 Streets; viz.		
County of Dublin and county of the city of Dublin.	- - Thomas Court and Donore.	- 1545, in the reign of King Henry the Eighth, and renewed and confirmed in the 7th year of the reign of King James the First.	Thomas-street. Meath-street. Engine-alley. Earl-street. Cross Stick-alley. Flag-alley. Cole-alley. Elbow-lane, Great. Ditto, Little. Pimlico. John-street. Pool-street. Braithwaite-street. Summer-street. Tripoli. Thomas-court Bawn. Thomas-court. Gilbert's-alley. Hanbury-lane. Meath-market. Catherine's-lane.	Rainsford-street. Crane-lane. Portland-street. Ecland-street. Market-street. Prin-street. Bond-street. Grand Canal Harbour. Robert-street. School-street. Taylor's-lane. Bose's-lane. Marrowbone-lane. Gill's-square. Jackson's-alley. Cork-street. Ardee-street. Tenter-lane. Chamber street. Weaver's-square. Ormond-street.	Brown-street. Love-lane. Roper's-rest. Sweeney's-lane. Mill-street. Mill-lane. Tanner's-row. Ward's-hill. New-Market. Skinner's-alley. Fordaine's-alley. Brabazon-row. Brabazon-street. Ardee-row. Coomb. New-row Poddle. Black-pitts. Parnell-place. Green-vill. Green-mount. Harold's-cross.

5. Greatest Distance of any such Place from the Court-house.	6. Extent of Pecuniary Jurisdiction.	7. How Enforced.	8. Description of Cases Tried.	9. Extent of Power with regard to Imprisonment.	10. If Prison be of peculiar Jurisdiction.	11. If Power of Distress, and how levied.
Harold's - cross and Greenmount, distant 2½ miles from court-house in Thomas-court.	unlimited -	- - By decree in execution against person or goods of the defendant.	- - Cases in assumpsit, trespass, debt, covenant, actions on the case and ejectment.	unlimited -	no - -	- - Yes; levied by the marshal of the court by sale of the defendant's goods and chattels.

No. 2.—NUMBER of Courts held for each Year, beginning from the 31st December 1833; the Number of Courts adjourned for Non-attendance of Jurors, or other Causes; the Number of Cases entered for Trial; the Number of Cases tried; the Number of Appeals from Decrees, stating how many were Tried and how many Reversed; the Number of Persons imprisoned under these Decrees.

—	Number of Courts held in each Year.	Number of Courts adjourned from Non-attendance of Jurors, or other Cause.	Number of Cases entered for Trial.	Number of Cases Tried.	Number of Appeals.	Number Tried.	Number of Decrees Reversed.	Number of Persons Imprisoned under Decrees.
1834	40	10	135	122	none	none	none	20
1835	44	8	144	129	1	none	none	18
1836	45	7	149	128	2	1	none	18

No. 3.—FEES charged, the Sums recovered, and the Amount of Costs during the same Period; and also if the Seneschal be a Member of any, and what, Legal Profession, or a Justice of the Peace.

1. FEES CHARGED.	2. Sums recovered for the Years 1834.	1835.	1836.	3. Amount of Costs for the Years 1834.	1835.	1836.
s. *d.* Seneschal; £.	£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*
1 – on each process from - £. 2 to 10	244 18 10	325 15 6	277 3 6	36 – 6	37 13 6	32 19 6
2 – ditto - ditto - - to 100						
3 – ditto - ditto - - above 100				Marshal,	Marshal,	Marshal,
1 – on each entry of process.				5 17 –	7 3 5	5 8 6
2 6 on each decree - - to 2						
4 6 - ditto - - - to 10						
5 6 - ditto - - - to 100						
6 6 - ditto - - - above 100						
5 6 on each dismiss.						
1 – on each appeal bond.						
Registrar:						
1 – on each subpœna and copies.						
1 – on each process - - to 10						
2 – - ditto - - - to 100						
3 – - ditto - - - above 100						
Marshal:						
1 – on entry of each process.						
– 6 on first pound, and						
– 3 on every other pound, on each decree.						

4. Name of Seneschal.	5. If Member of any, or what, Legal Profession.	6. If Justice of Peace.
Thomas Fred. Kelly -	- - Barrister-at-law, and LL.D.	- - Yes; for the counties of Dublin and Wicklow.

Thomas F. Kelly, Seneschal.

John M'Laughlin, Registrar.

Note.—The seneschal abated his statute-fee of 1*s.* on each process not exceeding 2*l.*, and 2*s.* on each decree not exceeding 2*l.*—*J. M'L.*, Registrar.

Appendix (A.)

DUBLIN.

Liberty of St. Sepulchres.

LIBERTY OF ST. SEPULCHRES.

THE Pecuniary Jurisdiction of this Court?
The jurisdiction of this court, in all personal actions, is unlimited in amount.

The manner in which it is enforced?
By executions against the body or goods of defendant.

The description of Cases which are tried?
The cases usually tried are actions of trespass, and trespass on the case of every kind (except for criminal conversation, seduction and slander, which have been seldom tried in this court); also actions of trover, debt and assumpsit.

The extent of the Power of this Court with regard to Imprisonment?
The defendant may, in all cases, whether the proceedings be by civil bill, or at the record side of the court, be arrested on executions against his body, and be imprisoned until the debt or damages be paid; and a defendant arrested on mesne process may be imprisoned until he gives bail.

Whether the Prison be one of peculiar Jurisdiction?
The prison is one of peculiar jurisdiction; and a prison or marshalsea, for the liberty of St. Sepulchres and entire archbishopric, is mentioned in the very early charters.

Appendix (A.)

DUBLIN.

Liberty of St. Sepulchres.

Whether a Power of Distress exists, and the manner in which it is levied?

Power of distress does exist; the mode of proceeding is as follows: In cases where the debt is sworn, by affidavit, to amount to 10 *l.*, or upwards, an unmarked writ of capias or summons issues; after which, on the marshal returning *non est inventus* thereon, a marked writ issues, by virtue of which a distress is made. The object of this proceeding being to enforce an appearance, the goods are released when defendant gives bail, otherwise the case proceeds to judgment on default, when the goods are sold, the plaintiff giving security to return them at the end of a year, if defendant shall appear, and ultimately succeed in the action.

Whether the Seneschal or Stewards are Members of any, and what, Legal Profession, or Justices of the Peace?

The seneschal of this court is a barrister of 12 years' standing, and is a justice of the peace of the liberty, by virtue of the charters, but is not a justice of the peace for any other place. The registrars are attornies of the three law courts, and solicitors of the Court of Chancery in Ireland.

The Dates of the Charters?

There are several charters granted by John, when Lord of Ireland, and before he was King of England, by Henry the 2d, Henry the 3d, Edward the 3d, Richard the 2d, Henry the 4th, Henry the 6th, Henry the 7th, and Charles the 1st.

The principal Places over which the Jurisdiction of this Court extends?

The town and liberty of Swords; the town and liberty of Lusk; parish of Portrane; parish of Clonmethan; north side of parish of Swords; south side of parish of Lusk; town of Templeouge; town of Tallaght; manor and town of Rathcoole or Clondalkin; town and parish of Glasmusky; parish of Tallaght; parish of Killbegg; parish of Cryhelp; outside of parish of Finglass; Kevins Without (Old); Kevins Within (Old); Poddleward (Old); New-street Ward (Old); Kevin's-street, Castleknock; manor of Ballymore Eustace; parish of Burgage; parish of Granabegg; parish of Tippercevin; parish of Ballybought; parish of Ballymore; parish of Milltown Dunlavin; manor of Finglass; manor of Shankhill; Lenekil or Soneighill; manor and parish of Dalkey; parish of Dunlavin; manor of Stackenel or Powerscourt; manor of Castlekevin.

YEARS ending 31 December.	Number of Court Days.	Number of Courts adjourned.	Number of Cases entered for Trial.	Number of Cases Tried.	Number of Appeals.	NUMBER of Appeals Tried cannot be stated, not being a matter within the knowledge of the Officers of the Court.	NUMBER of Decrees Reversed cannot be be stated, for the same reasons.	AMOUNT of Sums recovered. Decrees have been signed for the following Sums, which are supposed to have been recovered; but the Officers of this Court have no Means of precisely ascertaining what Sums have been actually recovered.	AMOUNT of Costs recovered. They are supposed to be as follows, being Costs on Decrees signed; but they cannot otherwise be ascertained, for same reasons as are stated with respect to the Sums recovered.	Number of Persons Imprisoned.	NUMBER of Decrees or Dismisses signed. The following Decrees or Dismisses have been signed; but they are only issued as called for by the parties several of them are never issued.
								£. s. d.	£. s. d.		
1834	22	–	528	433	13	– – –	– –	1,134 4 8	151 13 –	28	374
1835	22	–	489	361	16	– – –	– –	1,724 1 8	146 11 6	36	338
1836	19	–	545	446	15	– – –	– –	1,165 10 5	168 3 6	34	382

SCHEDULE of FEES, according to Act of Parliament.

Original Fees on Civil Bills, as authorized by 25 Geo. 3, c. 44:

	£.	s.	d.
Seneschal on issuing summons	–	1	–
— on entering	–	1	–
— on decree	–	2	6
Marshal summoning jury, for every case entered	–	1	–

Additional Fees, by 7 & 8 Geo. 4, c. 59:

Seneschal on issuing summons, for any sum under 10 *l.*	–	1	–
— over 10 *l.*, not exceeding 100 *l.*	–	2	–
— exceeding 100 *l.*	–	3	–
Additional, for any decree when amount under 10 *l.*	–	2	–
— any sum over 10 *l.*, and not exceeding 100 *l.*	–	3	–

Additional,

	£.	s.	d.
Additional, for any decree when amount any sum exceeding 100 *l.* - -	-	4	-
Register summons, any sum under 10 *l.* - - - - - - -	-	1	-
— over 10 *l.*, and not exceeding 100 *l.* - - -	-	2	-
— exceeding 100 *l.* - - - - - - -	-	3	-

The precise amount of the sums recovered, on account of debt and costs, cannot be ascertained by the officers of this court. The usual practice is for the plaintiff (if possible) to procure payment of the debt found by the verdict to be due, without taking out a decree; but if defendant does not settle the demand in such an amicable manner, the plaintiff then takes out the decree. This course of practice is much encouraged by the seneschal, who is anxious that the plaintiff should not put the defendant to the costs of a decree, except such decree be absolutely necessary to enforce payment of the debt and costs. The issuing of decrees is still further prevented by the seneschal encouraging the plaintiff to accept of payments by instalments, although the debt and costs shall exceed 40*s.*

Ballybought, which is in the jurisdiction of this court, is 22 miles distant from the court-house.

We certify that the above is a correct return taken from the books in our possession.

J. R. & J. Dickenson, Registrars.

Office Court-house, New Bride-street,
13 May 1837.

COUNTY OF FERMANAGH.

MANOR OF ARCHDALL.

THE manor of Archdall, in the county of Fermanagh, barony of Lurg, was granted to Edward Archdall, of Castle Archdall, esq., in the 5th year of King Charles 1, an. dom. 1630.

Jullinagh, alias Archdall, with all its sub-denominations thereunto belonging, &c. &c.

To hold court leets and barons, one in every three weeks, for the recovery of small debts, not exceeding 40*s.*, and felonies committed in said manor, &c. &c.

Courts are regularly held in said manor according to charter.

No appeals are from said court.

From 10 to 15 cases are entered yearly for trial.

Fees and entry on each case, 4*s.* 6*d.*

The greatest distance from any of the townlands of said manor from place of holding court is three miles.

Riverston, 4 April 1837. *Chs. Archdall*, Seneschal.

MANOR OF BROOKBOROUGH.

1.—SPECIFYING the Places over which the Jurisdiction of the Court extends, and the greatest Distance of any Place within the Jurisdiction from the ordinary Place of holding the Court?

Over the manor of Brookborough alone; and nine statute miles is the greatest distance of any part of the manor from Brookborough, the place where the court is always held.

2.—Date of Patent granted to the Court?—5 Anne, 1707.

3.—Extent of Pecuniary Jurisdiction?—40*s.* British.

4.—How enforced?

By a warrant, at foot of the decree, directed to the bailiff of the manor, to levy the amount by distress and sale of goods.

5.—What description of Cases tried?

Debt, assumpsit, quantum meruit, trover, trespass, detinue.

6.—Power with regard to Imprisonment and number imprisoned under Decree?

Patent gives no power, therefore none imprisoned and no prison.

7.—Whether Power of Distress exists, and how levied?—*See* Query 4.

8.—Number of Courts held in each year from 31st December 1833?

In 1834, 9; 1835, 9; 1836, 9; 1837, 3; total, 30.

9.—Number of Courts adjourned?—None.

10.—Number of Cases entered for Trial?—Ninety-two.

11.—Number of Cases tried?—Ninety.

12.—Number of Appeals from Decrees?—Four.

13.—Number of Appeals tried?—One.

14.—Number of Decrees reversed?—None.

Appendix (A.)

FERMANAGH.

Manor of Brookborough.

15.—Fees charged?—None.

16.—Sums recovered?
Total, during the three years and three months, 60*l.* 10*s.* 2½*d.*

17.—Amount of Costs?—£.18. 10*s.*

18.—Whether the Seneschal is a Member of any Legal Profession or a Justice of the Peace?
Not a member of any legal profession, but is a justice of the peace for the counties of Tyrone and Fermanagh.

John Edward Taylor, Seneschal.

MANOR OF CASTLETON.

Manor of Castleton.

1.—PLACES over which the Jurisdiction of the Manor Court extends?

Rosscinire, Tullyvielnagaspan, Clogherpool, Coomore, Knockbeg, Tullynagorbeg, Tullynafarmore, Myneclaycaine, Dromerthin, Ballynamona, Menycloghavocka, Doornafogher, Tullanelappe, Glasdroman, Garraghmore, Knockim, Lisdead, Gortcorr, Coonadrum, Legland, Ennagh, Karkmacgloghlin, Drumgomeny, Shranababane, Shranacokagh, Aghaherin, Agharane, Listuden, Greete Rassallagh, Tullynashraan, Nafarne, Tullynoide, Tullytentee, Tubbaan, Tullynashradnadith, Cloghshrogagh, Killduffe, Comederge, Coreneregohy, Quintyconnelmore, Quintyconnelbeg, Drumbinure, Dromary, Belahalytavill, Tullynaricke, Lismany, Insgortain, Aughassillis, Tullycarbry, Greaghmacdonaghy, Shrakorkilroe, Derryvary, Gortiny, Dromcroghan, Finbana, Corlescom^{r}, Carnbegg, Dromskolbe, Gartacloone, Gartalagh, Carrinmore, Tullycreevy, Mirrigillagh, Kiltaghe, Drumharruffe, Cormucklogh, Drumgirr, Dromdullor, Lysseneyne, Knocketenie, Leseley, Tullaghskanlan, Creiglea, Lesgarragh, Shankill, Rosseine Coolnaclogfine, Feadane Randsough, Corranany, Corruroorooan, Laghan, Quillenbeg, Quillenboy, Cashell, Gortagh, Coolmockloghfymuse, Roonover, Dromcarvan, Tonyowsan, Mulianeveagh, Shamullagh, Fullacaltor, Shangemwell, Imlagh, Tonnecloghoge, Toramullenora, Knockfinan, Leckaghtermon, Crott, Rosse, Mullaghgillycollin, Chasrogy, Tullaghstanaferrene, Tullaghmashragh.

2.—Greatest Distance from the ordinary Place of holding the Courts?
About 2½ Irish miles.

3.—Date of the Patent or Charter?
The 15th year of the reign of King Charles 1, in the year of our Lord 1640.

4.—Pecuniary Jurisdiction, extent thereof?
Two pounds sterling.

5.—Manner of enforcing?
By process served on defendant, or left at his or her residence at least three days before the court-day, mentioning the names of the parties, plaintiff and defendant, the day and place of appearing, empanelling and swearing 12 men as jurors to try the case; and upon their verdict or finding, whether for plaintiff or defendant, a decree or dismiss is made up, but not executed till after the next court-day, leaving that time for either party to appeal to the next-going judge of assize.

6.—Description of Cases tried?
Promissory notes, I.O.U.'s, wages, occupation of house or garden, or both, cows or heifers sold to be with calf, mares to be with foal, sows to be with pig, ewes to be with lamb, and proving otherwise; a reasonable valuation or a stipulated sum, or any other debt arising out of trespass or damage, or any other debt or contract, not exceeding 40*s.*

7. Extent of Power with regard to Imprisonment?
No power over the body or imprisonment, but the goods and chattels only. No prison save the pound in the manor, nor any person imprisoned under the decree of said manor.

8.—Whether Power of Distress exists, and how it is levied?
In cases of well-founded fears of elopement, or removing the goods out of the manor, attachment or distringas does exist, the bailiff getting authority from the seneschal to distrain the goods of defendant, and give them in charge to the pound-keeper, or get sufficient manor-bail for their forthcoming to answer the complainant's bill, when ascertained, in the courts of said manor. At the same time, or at least three days before the court-day, summons is served on defendant, stating the circumstances and cause of action; and on the court-day mentioned in said summons said cause is heard and determined by 12 sworn jurors, and sworn witnesses, as in process; and decree or dismiss made up and levied in same manner.

9.—Number of Courts held in each year, commencing 31st December 1833.
In the year 1834: three entries, one trial; amount recovered, 16*s.* 3½*d.*; fees charged, 5*s.* 6*d.* Three courts.
In the year 1835: three entries, two trials, two dismisses; fees charged, 4*s.* 6*d.* Two courts.

In

In the year 1836: 14 entries, four trials; amount recovered, 3 *l.* 5 *s.* 9 *d.*; fees charged, 1 *l.* 4 *s.* Seven courts.
No appeals. No courts adjourned for want of jurors.

10.—Profession of Séneschal or Steward?
No profession but that of landholder.

4 April 1837. *Alexander Trotter*, Seneschal.

MANOR OF CASTLETOWN.

NAMES of Lands contained in the Patent or Charter for the said Manor?

Rossenure.	Clogshrogagh.	Carnebegg.
Tullyveelnagaskan.	Kilduff.	Dromskolbe.
Clogherpoole.	Carrurooan.	Gartacloone.
Coomore.	Loghan.	Gartalagh.
Knocklug.	Quillenboy.	Tullycrievy.
Tullynagorbegg.	Cashill.	Merrigellah.
Tullynagorrdone.	Gartagh.	Tale Gallagh.
Myneclyeame.	Coolmocloghfynuge.	Drumharruffe.
Dromercline.	Roonewer.	Cormukloagh.
Ballynemana.	Dromcarvan.	Drumgin.
Menecloghavicka.	Tunnyagan.	Dromdoiler.
Tullanelappe.	Mullaneveagh.	Syssemyne.
Glasdroman.	Shamullagh.	Knockline.
Dernufogher.	Tullacalter.	Lesseley.
Garraghmore.	Shamgemwell.	Tullaghscallan.
Knockmore.	Imlagh.	Creaglea.
Listeade.	Comederrige.	Lisgarragh.
Gortcorr.	Correuergohy.	Shankill.
Colnadrum.	Quintyconnellmore.	Rosseine.
Leagland.	Quintyconnellbeg.	Coolnacloghfine.
Ennagh.	Drumbunire.	Pradane.
Larkmacloghlan.	Dromary.	Ravasough.
Dromgormany.	Bellahatytavill.	Correvany.
Shranalrabane.	Tullynawirrick.	Tormecloghoge.
Shremamaneskagh.	Lismany.	Tonamullinord.
Aghakeerin.	Twogorlaine.	Knockfinan.
Augharane.	Aghasillis.	Leckaghtermon.
Liscuden.	Tullycarbray.	Crott.
Rassallagh.	Greaghill Dounaghy.	Rosse.
Tullynashraan.	Shracorrkilcroe.	Mollygillicolm.
Nafarne.	Derryvarey.	Chosrogy.
Tullynoyde.	Gortunny.	Tullaghscranaferun.
Tullyteinty.	Dromcrohan.	Tullaghuasragh.
Tubaan.	Hinland.	Tullynescranatin.
Tullynashraanaditch.	Corliscourer.	

The greatest Distance of any Place within such Jurisdiction from the ordinary Place of holding such Court?
Two miles and three quarters.

Date of the Patent or Charter granted for the Manor of Castletown
15th year of the reign of King Charles the First.

Extent of Pecuniary Jurisdiction?
40 *s.* present currency of England.

How such Jurisdiction is enforced?
By summons or process.

Description of Cases tried in said Court?
Covenants, transgressions, accounts, contracts in debt and damage.

Power with regard to Imprisonment?—None.

Number of Persons imprisoned under any Decree?—None.

Whether the Prison be of Peculiar Jurisdiction?—None.

Number of Courts held in the year 1834?—Two.

Number of Courts held in the year 1835?—Five.

Number of Courts held in the year 1836?—Seven.

Number of Courts held in the year 1837?—Three.

Number of Cases entered for Trial?—Thirty-six.

Appendix (A.)

FERMANAGH.

Manor of Castletown.

Number of Cases tried?—Fifteen decrees, one dismiss.

Number of Appeals from said Court?—None.

Return of Fees charged in said Court?

	s.	d.
Summons or process - - - - - - -	2	–
Entry on same - - - - - - - -	–	1
Making out decree - - - - - - -	2	6

Sums recovered?—£.10. 7s.

Amount of Costs during the same Period?
£.16. 18s., including 95 summonses or processes not entered, issued out.

If the Seneschal or Steward is Member of any Legal Profession, or Justice of the Peace?
No legal profession or justice of the peace.

Edward Scott, Seneschal.

MANOR OF DUNBAR.

Manor of Dunbar.

1.—PLACES over which the Jurisdiction of the Court extends?
Drumcroe, Drumboeking, Careloony, Tonegowin, Dromore, Ganwin, Dromdowne, Urbal, Drumorow, Dresternan, Rahaltane, Clonlawin, Rostagawghe, Tullenadall, Doagh, Ratonagho, Drumaneinye, Rosurbeg, Dergoinel, Mullagh, Ellanmasse, Beoagh, Tonegown, Lotragan, Luseoghrowse, Cortragarne.

2.—Greatest Distance from the ordinary Place of holding the Courts?
About nine Irish miles.

3.—Date of the Patent or Charter?
The 10th day of January, in the 13th year of the reign of James 1.

4.—Pecuniary Jurisdiction, extent thereof?
Two pounds sterling.

5.—Manner of enforcing?
By process served on defendant, or left at his or her residence, at least three days before the court-day, mentioning the names of the parties, plaintiff and defendant, the day and place of appearing; empanelling and swearing 12 men as jurors to try the case; and upon their verdict or finding, whether for plaintiff or defendant, a decree or dismiss is made up, but not executed till after the next court-day, leaving that time for either party to appeal to the next-going judge of assize.

6.—Description of Cases tried?
Promissory notes, I. O. U's, wages, occupation of house or garden, or both; cows or heifers sold to be with calf, mares to be with foal, sows to be with pig, ewes to be with lamb, and proving otherwise; a reasonable valuation or a stipulated sum, or any other debt arising out of trespass or damage, or any other debt or contract not exceeding 40s.

7.—Extent of Power with regard to Imprisonment?
No power over the body or imprisonment, but the goods and chattels only. No prison in the manor, nor any person imprisoned under the decrees of said manor.

8.—Whether Power of Distress exists, and how it is levied?
In cases of well-founded fears of elopement, or removing the goods out of the manor, attachment or distringas does exist; the bailiff getting authority from the seneschal to distrain the goods of defendant, and give them in charge to the pound-keeper, or get sufficient manor-bail for their forthcoming to answer the complainant's bill, when ascertained in the courts of said manor. At the same time, or at least three days before the court-day, summons is served on defendant or bailsmen, stating the circumstance and cause of action; and on the court-day mentioned in said summons, said cause is heard and determined by 12 sworn jurors and sworn witnesses, as in process; and decree or dismiss made up and levied in same manner.

9.—Number of Courts held in each Year, commencing 31st December 1833?
In the year 1834, 4 entries; 4 trials; amount recovered, 2*l.* 15*s.* 3*d.*; fees charged, 10*s.*; courts, 4.
In the year 1835, 4 entries; 2 trials; amount recovered, 1*l.* 7*s.* 4*d.*; fees charged, 5*s.*; courts, 2.
In the year 1836, 35 entries; 13 trials; amount recovered, 10*l.* 8*s.* 5*d.*; fees charged, 1*l.* 10*s.*; courts, 12.
One appeal tried, and reversed; no courts adjourned for want of jurors.

10.—Profession of Senechal or Steward?
A landholder only.

4 April 1837.

Alexander Trotter, Seneschal.

Appendix (A.)

FERMANAGH.

Manor of Drumra.

MANOR OF DRUMRA.

1.—PLACES over which the Jurisdiction of the Court extends?

Drumskewlin, Tebridan, Clonleuhan, Mullaghnilan, Teirinckeleigh, Tawnalucus, Lurgagh, Langfurtan, Curlough, Tullenadall, Lurgamore, Cavenkeile, Crosscawnagh, Tavaght, Townagherome, Tawnaghdresogagh, Tawnaghnefinelly, Lenwiney, Largagh, Tawnaghnadowcogh, Tawnaghwallie, Tawnaghclevin, Tevemore, Drumliscanbene, Ruskey, Cavairkiele, Drumra, Gardremmore, Garry Keagh, Mullanameynmore, Kirrawscallan, Mullanameynbeg, Tawnaghlaughoge, Tarrannore, Gartnalagh, Taynagher, Kallaghan, Gurtine, Rassandough, Gubardeughan, Roshgan, Teivenegrony, Geardrimbegg, Cornedover, Tawnaghdone, Killievagh, Lismerkan, Loughanacorke, Cavansseogh, Garginevagh, Neforkiney, Crastawnagh, Loughanmore, Rossadoagh, Tawnagh, Bonenabber, Ennismacmeele, Rafort, Tawfornagh, Corzinegatt, Cooledone, Moyfadda, Drumdowne, Mulliachwadda, Mullenasceagh, Conaghcarren, Kilvegge, Urrish, Beagh, Gortneconner, Garvehullagh, Drumknieve, Aghloheillan, Tawnaghdurragh, Derrycloyfin, Tawnaghnagor, Canekeirran, Loughanapeene, Innismacmoile, Cassil, Dothill.

2.—Greatest Distance from the ordinary Place of holding the Courts?
About two miles.

3.—Date of Patent or Charter?
Granted in the fifth year of King Charles the 1st, 1630.

4.—Description of the Cases tried?
Written documents, verbal acknowledgements, occupation of house or gardens; cows or heifers sold to be in calf, and proving otherwise, for the deficiency; mares, sows and ewes in like manner; other debts arising from trespass, damage or contract, not exceeding the pecuniary jurisdiction of the court.

5.—Pecuniary Jurisdiction, extent thereof.
£. 2 sterling.

6.—Manner of enforcing?
By process served on the defendant or at his residence three days prior to the court-day, specifying the names of plaintiffs and defendants, day and place of appearing; empanelling and swearing 12 men jurors to investigate the case; and upon their verdict finds decree or dismiss; but not executed till after the next ensuing court-day, leaving time for appeal before the going judge of assize.

7.—Extent of Power with regard to Imprisonment?
No power to arrest or imprison the body; no prison in the manor except for goods or chattels.

8.—Number of Courts held in each year, commencing 31st December 1831?

In 1834,	3	entries,	–	trials;	£.– – –	amount recovered;	4*s.* 6*d.*	fees charged;	2	courts.
1835,	1	—	1	—	– 2 8	—	1*s.* 6*d.*	—	1	—
1836,	11	—	4	—	2 6 7	—	15*s.*	—	8	—

9.—Whether Power of Distress exists, and how levied?
In case of well-founded fears of elopement or removing the goods out of the manor, by attachment or distringas on the goods of defendant, giving them in charge to the pound-keeper or proper manor surety for such goods, to answer plaintiff's bill, when ascertained in the court; summonses being served on defendant or sureties three days prior, stating the circumstance and cause of action, when said cause is heard and determined by 12 jurors, and decree or dismiss accordingly.

10.—Seneschal's Profession?
No profession but that of landholder; no appeals; no courts adjourned for want of jurors.

4 April 1837. *Alex. Trotter*, Seneschal.

MANOR OF LISGOULD.

1.—PLACES over which the Jurisdiction of the Court extends?

Manor of Lisgould.

Shankill, Derricurra, Derraone, Derrivara, Derrycannon, Shaghcoagh, Derryagh, Derrylarn, Derryne, Dermata, Derrynenassoole, Derryoghtra, Skegh, Drumdrynagh, Legnamuilagh, Drumreene, Knockanvoe, Derryguffe, Derryicarmicke, Mullaghantabane, Mullaharne, Derrynecarragh, Aghacoolaneawle, Aghadarraghane, Drumsurthilebeg, Mullaneduff, Lisbofine, Gorticerke, Teareanornie, Urbellagarra, Dromcoulin, Clonavile, Aghawlonaveske, Mullanlathan, Mullanamvougha, Kahallon, Tatenomoyne, Tatekecle, Derinenaflie, Derrynenagawroge, Edrue, Dromcomly, Derryscoube, Derrylester, Knocknabrackie, Moyeghvane, Leyme Trelicke, Moykeele, Mullalough, Leanbegg, Mullyloste, Lanagarke, Tawnaghboy, Mullaghmoyleowre, Ilawanagh, Goallane, Torbhdorea, Knockaloghan, Moynylagarr, Coolenahomna, Drumnemalhagh, Knocknacartra, Straghnagrangrath, Meiblane, Tawngancowsan,

Appendix (A.)

FERMANAGH.

Manor of Lisgould.

cowsan, Tawnaghaligortin, Drummageennerr, Knocknabrackie, Grathduffe, Monynembesogagh, Monynatremble, Cuteernure, Tomviconey, Greaghtodderry, Mullyhemanus, Aghonagh, Leglahunsan, Legebakau, Aghenagarne, Cornelone, Skrine, Tynte, Dromsyllagh, Laghgortin, Tawnaghdereogagh, Derrynenasurragh, Trelicke, Sancare, Corneskole, Molanloghan, Letterbrine, Knocknehale, Ladnicrancha, Gardeon, Cornegleragh, Drumsillaghbegg, Mucketenesan, Diryleake, Dromcalgy, Dirikitter, Derrimine, Gortineglogh, Dromlomish, Moyneleisestragh, Moykeele, Killanehir, Strathamiske, Leabnithan, Turke, Tawnagheram, Tawnaghbane, Sraghangarranbane, Moymore, Bannamoye, Collepattin, Lanamraher, Moybrone, Corkill, Bochitin, Cargeneepise, Sraghboy, Tangantiere, Dromconnor, Doongurragh, Doonenelia, Aghluski, Derryneveragh, Mullaghduffe, Knockadregan, Dromkerke, Derrydowgie, Rossan, Atteernac-caffry, Shrathacapulkie, Tawnaghaergowlta, Coolaghy, Glassinullagh, Mullaghnahorna, Mullyneaugreaun, Cowlaghbegg, Tawnaghnaglaire, Drombearten, Mullycreaghy, Duminy, Tatekille, Mullingarre, Lisgalicon, Corremmorris, Tonevellenagh, Tateslane, Lisdroenone, Sromomine, Gortedraitmore, Calckye, Mullaghnaclogg, Loghdornigre, Mullanacatha, Tome, Donohie, Mullaghguilly, Tawnynehanla, Larragh, Annagh, Killygewline, Gortalagha, Coolebrieske, Monyne, Tarlome, Graundgeagheightragh, Graungeaghoughtragh, Knocknasfedd, Straghacowe, Coolebunnagh, Coonanagh, Dromkeene, Corrylost, Lawchilleightraght, Lawchilloughtra, Corgreenagh, Strabane, Mullaghowe, Lisdroddie, Doweddernagh, Garweerre, Cappogge, Knockappogge, Tawnetlevèn, Knockacurry, Tempulwillan, Rossyne, Munymore, Munybegge, Cavantobber, Aghawantimore, Legg, Gurtinalagha, Eadden, Mullanetekelne, Mullaghdarraghkune, Gobnasarragh, Derryanyne, Gobnadarragh, Moyleatt, Mullaghgarue, Tonnehunressen, Knocktoddin, Legedime, Killine, Legedmelochre, Legenedringui, Trombolskin, Knocketampuke, Drongin, Tranbally, Ballaghenvile, Carrickemore, Siltimoicke, Ballinsaggart, Rossebegg, Rossemore, Russughcrine, Collecon, Aghnaboy, Drumulean, Moorefadda, Moorebegg, Garryenvekerre, Garryenleen, Garryhugh, Ottossey, Garrynuloithee, Garryenkoorhin, Garrynoknailbee, Garrenkearmeery, Garryanbiora, Garryneairra, Drumgemplo, Ennislearne, Monynlagha, Drumgawbegg, Drumgawmore, Momepoll, Ederdachoill, Rosseagh, Carrigendonell, Cargimacowe, Strathnacowe, Moynenesgard, Healheagh, Findraght, Cavansiria, Carryinecorrailvee, Magheringawnonagh, Cooldorayne, Tonaghcroomefogher, Cloinawillium, Baltinesgart, Ballyhosy, Higher Rosse, Lower Rosse, Coagh Ballyhose, Callydea, Bunqueber, Aghile, Legabethy, Gortgooraghbegg, Gortgooraghmore, Clogh, Imanaghan, Cavanatempoile, Tullymaghmora, Knocknahaythe, Drumbarna, Killicklogh hayne, Arderrydree, Ardavilly, Loghy Remoyne, Lethskyagh, Dromagh, Brinaghdeargg, Gobnaglogliduffe, Innishjollycarry, Tawnenecnawanus, Gobbloiske, Gubbardnasfully, Inshfroigh, Gallenlane, Parrassagh, Dromackleawna, Mymicloyntee, Knocknandawgh, Legachoire, Leggategart, Gortalaghayne, Mullaghchyghtragh, Garwerry, Mullacartragh, Densskill, Gortnakessagh, Crossnattmewe, Rath, Icarraghan, Legnaseggart, Tubberaghoone, Tullagh, Lorgavooy, Teegarrusse, Carlalycagh, Urball, Tanegarne, Towhobbernagott, Tonyneloughoge, Clunyathagha, Tawanaghblane, Tunymuckgillinwire, Bealamoidieguisse, Doone and Mongreeleene.

2.—Greatest Distance from the ordinary Place of holding the Courts?

About seven Irish miles.

3.—Date of Patent or Charter?

In the 15th year of Charles the First, being the year of our Lord 1640.

4.—Pecuniary Jurisdiction, extent thereof?

Two pounds sterling.

5.—Manner of Enforcing?

By process served on defendant, left at the residence three days prior to the court-day, specifying the names of plaintiffs and defendants, day and place of appearing; empanelling and swearing 12 men jurors to investigate the case, and upon their verdict, finds a decree or dismiss, but not executed till after the next ensuing court-day, leaving time for appeal before the going judge of assize.

6.—Description of the Cases tried?

Written documents, verbal acknowledgments, occupation of house or gardens; cows or heifers sold to be in calf, and proving otherwise, for the deficiency; mares, sows and ewes in like manner; other debt arising from trespass or damage or contract, not exceeding the pecuniary jurisdictions in Query 4.

7.—Extent of Power with regard to Imprisonment?

No power to arrest or imprison the body; no prison in the manor except for goods and chattels.

8.—Whether Power of Distress exists, and how levied?

In case of well-founded fears of elopement, or removing the goods out of the manor, by attachment or distringas on the goods of defendant, giving them in charge to the poundkeeper or proper manor surety for such goods, to answer plaintiff's bill when ascertained in the court; summonses being served on defendant or sureties three days prior, stating the circumstances and cause of action, when said cause is heard and determined by 12 jurors as aforesaid, and decree or dismiss made out and levied accordingly.

9.—Number

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Appendix (A.)

FERMANAGH.

Manor of Lisgould.

9.—Number of Courts held in each Year, commencing 31st December 1833?
In the year 1834, three entries, three trials; amount recovered, 1*l.* 3*s.* 2*d.*; fees charged, 5*s.*; courts, two.
In the year 1835, five entries, five trials; amount recovered, 5*l.* 10*s.*; fees charged, 10*s.* 6*d.*; courts, two.
In the year 1836, 20 entries, 20 trials; amount recovered, 7*l.* 12*s.* 11*d.*; fees charged, 1*l.* 7*s.* 6*d.*; courts, five.
No appeals; no courts adjourned for want of jurors.

10.—Profession of Seneschal or Steward?
No profession but that of landholder.

4 April 1837. *Alex. Trotter*, Seneschal.

MANOR OF LOWTHER.

Manor of Lowther.

PLACES over which Jurisdiction extends?
Knockrow, Drumchrin, Ardlogher, Dromore, Boyahan, Drumskey, Tullylamy, Moynahan, Drumbo, Derue, Drumduff, Moneykee, Rossinen, Cantitrinal, Turslesin, Mullies, Drumsara, Dernany, Glencoonra, Mullinacopogh, Drumonahan, Drumaran, Drumpun, Lisnarick, Mullybresland, Sumuldoon, Druminchin, Fartagh, Drumshane, Drumhony, Drumarchy, Mullies, Irvinestown, otherwise Lowtherstown, Drumcaw, Glenaul, Cassidy, Mullaghmos, Rosclare, Miltate, Burfits-hill, Tullinagarnon, Townhill, Brownhill, Moneykee, Callendullagh, Derganon, Drumcaw, Laghty, Lettermoney, Drumsluce, Dring, Ihans, Rosfad, Rossinan, Rosigh, Legnamellog, Duros, Drumaul, Doonan.

The greatest Distance from Irvinestown, otherwise Lowtherstown, the Place where the Court is held?
Four miles greatest distance.

Date of Patent or Charter for said Court?
Twentieth day of July, in the 15th year of the reign of King Charles the Second.

Extent of pecuniary Jurisdiction?
Two pounds sterling, by process or by taking distress, in case of elopement.

How it is enforced, and what Description of Cases are tried?
By process, served at least six days before court-day, or by distraining goods in case of elopement, until security be passed; trial by jury and decree by verdict. Cases tried: Promissory notes, I. O. U., goods sold, lent cash, rent, &c.

Extent of Power with regard to Imprisonment?
Not any power to persons: impound cattle or seize defendant's goods on decrees.

The Number of Persons imprisoned under Decree?
Not any.

Whether the Prison be of pecuniary Jurisdiction?
No prison, save the manor pound for cattle.

Whether the Power of Distress is given, and how levied?
By decree given for defendant's goods, and by virtue of said decree seized and sold, if the debt be not satisfied.

Number of Courts held in each Year from 31st December 1833?
In the year 1834, ten; 1835, eight; 1836, twelve; 1837, three; total, 33.

Number of Courts adjourned for Non-attendance of Jurors or other causes?
In the year 1834, two; sickness of seneschal. 1835, four; sickness of seneschal. 1836, none. 1837, one; no case to be tried.

Number of Cases entered for trial?
One hundred and ninety-one cases entered.

Number of Cases tried?
One hundred and seventeen cases tried.

Number of Appeals from Decrees?
No appeals.

Return of Fees charged?
Cost of decree, 5*s.* 11½*d.* sterling.

Sums recovered, and Amount of Costs during the same Period?
Total sum recovered, 117*l.* 4*s.* 2½*d.*; amount of cost, 28*l.* 18*s.* 9½*d.*

Return of Seneschal, and what Legal Profession or Justice of the Peace?
Henry Irvine, Irvinestown, seneschal; no profession or justice of peace, and has been seneschal 48 years.

Appendix (A.)

FERMANAGH.

Manor of Lowther.

Irvinestown, 29 April 1837.

Having this day seen a regulation directed by you to John Armstrong, esq., a neighbouring seneschal, to answer the within, which I have done as far as in my power, I must say I did not receive your letter of requisition. On account of short time, I could not return all the townlands in this manor, but will in a few days. I hope my not receiving any directions will be a sufficient apology for the delay. If any further directions, please direct to Irvinestown; by so doing you will much oblige,

Yours, &c.
Henry Irvine, Seneschal.

T. Drummond, Esq.
Under Secretary of State,

MANOR OF MOUNT SEDSBOROUGH.

1. Name of Manor and Townlands over which the Jurisdiction of the Court extends.	2. Greatest Distance of any Place within the Manor from where the Court is situate.	3. Date of Patent, and Extent of Pecuniary Jurisdiction.	4. Manner of enforcing Debt.	5. Description of Cases Tried.	6. Extent of Power with regard to Imprisonment.
Townlands: Aughadrumsee, Augharodsky, Arnotsgrove, Aughnahull, Bosallagh, Bighill, Cornagagere, Coolnamara, Cornamuckla, Coraghy East, Coraghy West, Corflugh, Cornynee, Corrany, Corloughaloon, Drumswords, Drummins, Dernaclig, Drumsoo, Drumbelerny, Drumsna, Dernawilt, Dernabackey, Golany, Greapatrick, Killekea, Killegorman, Kilrid, Killeliffer Bawn, Knockaraven, Killyfoyle, Knockmackarooney, Knockawaddy, Kimeran, Knocknalupet, Loughgar East, Loughgar West, Mullalust, Mullavea, Mullalohogue, Mount Darby, Mappagh, Rateen, Shanineriagh, Tantygarmon, Tatnagoland, Tatnageeragh, Tatnahunion & Woodyhill.	- - About two miles.	- - 12th day of March, in the 11th year of King James 1. 2 *l.*	- - By process, agreeable to statutes of 25 & 27 Geo. 3, and the 7 of Geo. 4.	- - Trespass, damages and small debts accruing in the jurisdiction of the court.	- - The patent gives no power to imprison; hence no necessity for a prison.

7. Nature of Distress, and how levied.	8. Number of Courts held Annually, commencing from 31 December 1833 to 25 March 1837.	9. Number of Cases entered for Trial since 31 December 1833 to 25 March 1837.	10. Number of Cases tried and Number of Appeals, from 31 December 1833 to 25 March 1837.	11. Fees charged on each Case, and Amount of Costs since 31st December 1833 to 25th March 1837.	12. OBSERVATIONS.
A power exists to distrain, yet it is a proceeding seldom made use of, as a process answers equally; it is therefore seldom resorted to, unless the debtor is about to leave the manor; but when resorted to, a distringas is issued, upon the affidavit of plaintiff, and executed by the bailiff of the manor.	- - In consequence of a continued illness of the late seneschal, few courts have been held since December 1833 up to the 11th February last, the time of his death, when the present seneschal came into office, since which time only one court has been held. The particulars during the life of the late seneschal cannot be obtained.	- - Since present seneschal came into office only three cases have been entered.	- Two cases tried, to which there was no appeal.	- - Costs of each case amount to 5 *s.* 6 *d.*, and two cases only having been tried, the costs of both amount to 11 *s.*	- - The seneschal belongs to no legal profession, nor is he a justice of the peace, but merely a private gentleman.

Clones, 6 April 1837.

John Sedsboro Mayne, Seneschal.

Manor of Newporton.

MANOR OF NEWPORTON.

1.—THIS manor comprises the following town and townlands; viz. Ballinamallard, Bigh, Bara, Craghan, Clenaghan, Cooltrain, Coa, Curren, Caruhill, Drummurry, Drumcullion, Drumrainey, Drumkeen, Drumcunnis, Drumbolkin, Drumcreen, Drumslow, Derryraghan, Fairney, Kilgartnaleague, Killymitten, Killee, Relagh, Roscorr, Sheridan, Saloon, Sydare, Salry, Tilerain.

2.—The ordinary place of holding the court is in the town of Ballinamallard, situate in nearly the centre of the manor, and which extends about three miles in each direction.

3.—The patent bears date the 30th August in the 15th year of the reign of Charles 1.

4.—The jurisdiction extends to 1*l.* 16*s.* 11*d.* and is enforced by service of process upon the defendant within the manor, to appear at the next court-day; six days after service, a jury of 12 is empanelled and sworn, and a decree to levy the amount of the verdict and costs off the defendant's goods is issued by the seneschal, directed to the bailiff of the manor, who sells the goods in four days after the seizure, if not paid.

5.—This court entertains all actions of debt, assumpsit and contract, arising within the manor. There is no power of imprisonment, and no persons have, since my appointment (about 20 years), been arrested or imprisoned under any decree or order of this court.

6.—Power of distress exists under decree after verdict, and is served as before stated.

7.—A court has been regularly held every third Saturday since my appointment. The number of adjournments from 31st December 1833 to 31st December 1834, was 4; from 31st December 1834 to 31st December 1835, was 5; from 31st December 1835 to 31st December 1836, was 7.

8.—The number of cases entered for trial amounted to 350. The number of cases tried amounted to 42. There have not been any appeals from the decrees of this court since my appointment.

9.—The fees charged amounted to 35*l.* The sums recovered amounted to 46*l.* 4*s.* The costs amounted to, on 42 decrees, 4*s.* 6*d.* each.

John Armstrong, Senechal.

MANOR OF SLUTMULROONY.

Manor of Slutmulroony.

1.—NAMES of Townlands over which said Manor Court hath Jurisdiction?

Annahirk.	Coolnisanna.	Island Hill.
Annashanco.	Drumshancorick.	Knocknalare.
Annalu.	Drumgriff.	Killarilla.
Annamartin.	Deer Park.	Knockavay.
Ashawilligan.	Drungort.	Lismᵉ Sheela.
Altnabackra.	Derrygashnore.	Lisna Vo.
Annahervy.	Drummiscuttian.	Legacurry.
Ardaghy.	Derryargue.	Lannet.
Anahone.	Derryneele.	Lisgilly & Lisnarrestna.
Aughnashambu.	Derregilly.	Mulnahinch.
Annagulgan.	Deryvollin.	Mullyconly.
Bunervy.	Derryhanlish.	Milgins.
Bunmichael.	Derraloo.	Mulagrunan.
Balinabrass.	Drummerhare.	Mullybrady.
Bruskenagh.	Derryard.	Mullaglass.
Bunlogher.	Dernawilt.	Potteagh.
Cordola.	Drunyarkin.	Pulmetura.
Crockadoo.	Eshnadaragh.	Rakeevan Island.
Cavanaloughin.	Eshroe.	Reiland.
Clough.	Eshdoolarn.	Rakeevan.
Corbawn.	Feigh.	Roslea.
Corna Muck Murry.	Grathnamoile.	Scribby.
Coolnalong.	Grahawarren.	Tanaghboy.
Corleague.	Grahaverrin.	Tattygormican.
Coragunt.	Grathnagore.	Tattinbar.
Coraleek.	Inver.	Tattymore.
Corinshigo.	Island.	Unchenagh.

2.—Greatest distance from court, six Irish miles.

3.—Patent granted by King James 1, to Trinity College, Dublin, on 6th July, in the 16th year of his reign. Commission granted to seneschal by the provost, fellows and scholars of Trinity College, Dublin, 28th October 1826.

4.—Pecuniary jurisdiction, 5*l.* late Irish currency, together with costs of court.

5.—Enforced by distringas and process.

 6.—Assumption

Appendix (A.)

FERMANAGH.

Manor of Slutmulroony.

6.—Assumption of debt, breach of contract, servants' wages, &c.

7.—No jurisdiction as regards imprisonment; any attachments from said court extend to chattels only.

8.—Exists by charter and prescription. A process or distringas being issued (affidavit being first made the debt was contracted in said manor, if they proceed by distringas) and served on defendant, cause of action to be heard next court before seneschal and jury; the amount of the finding of said jury, together with costs of court, 5*s.* 6*d.*, added to the debt, is levied after the ensuing court, by sale of defendant's goods, advertising the sale of said chattels by public advertisement, three clear days prior to auction.

9.—In 1834, 16 court barons held.
1835, 17 court barons held.
1836, 17 court barons held.
1837, five court barons held, to 1st April instant.

There has been one court-leet held in the month of July each year in addition, to regulate the local laws of said manor.

10. There has been no court adjourned by the non-attendance of jurors. Seneschal being summoned to the House of Commons, by The Speaker's writ, to give evidence concerning the Monaghan election petition, Lucas against Westenra, no court was held from 28th June 1834 until 9th August following.

11.—359 cases entered for trial.

12.—166 cases tried; 193 cases settled after entry, prior to trial.

13.—No appeals from said court.

14.—5*s.* 6*d.* entire cost for each decree and dismiss; viz. to seneschal, for process or distringas, signing same, 1*s.*; to bailiff for serving same, 6*d.*; entry for trial, 1*s.* 6*d.*; trying same, and signing decree or attachment, 2*s.* 6*d.*; in all, 5*s.* 6*d.* The average number of cases entered is about one to every twelve processes or distringases issued, the remainder being settled prior to appearance.

15.—£. 201. 4*s.* 7*d.*, not including costs.

16.—Costs of court on 166 cases tried, 45*l.* 13*s.*; costs of court on 193 cases entered, 24*l.* 2*s.* 6*d.*

Richard Jackson, Seneschal.

Court-room, Roslea, 15 April 1837.

MANOR OF SHANNOCK.

1. Name of Manor and Townlands over which the Jurisdiction of the Court extends.	2. Greatest Distance of any Place within the Manor from where the Court is situate.	3. Date of Patent and Extent of Pecuniary Jurisdiction.	4. Manner of Enforcing Debt.	5. Description of Cases Tried.	6. Extent of Power with regard to Imprisonment.
Shannock:					
Anahell, Anahard, Anahilly Crawford, Anahillydough, Annyanim, Anahullen, Anaghlar, Arasallagh, Boneblanebawn, Busckspark, Crumaghy, Cortrasna, Cortaghel, Cornacrieve, Cortrasnadough, Cammore, Caricknakilla, Drumons, Dresternagh, Drummerwinter, Drumbroghes, Dernacly, Drumerwaldra, Follum, Little, Follum, Big, Follumdough, Gartendara, Greagholia, Greaghahoppel, Killiliffer Bawn, Killilifferdough, Killrooskey, Kibberiddig, Knocknabohil, Lackey, Lisroon, Lisrace, Mullinvam, Mullins, Mullicavan, Knocknegross, Shannock, Shannock-green, Shanaghy, Tattymorris, Toneydromallard, Tatentonegan, Tanitybog.	3½ miles -	- - 11th April, in the 15th year of Charles 1. 2*l.*	By process -	- - Trespass, damage and small debts, arising within the jurisdiction of the court.	- - Under the patent there is no power to imprison, hence no necessity for such.

7. Nature of Distress, and how levied.	8. Number of Courts held annually, commencing from 31 December 1833 up to 25 March 1837.	9. Number of Cases entered for Trial since 31 December 1833 up to 25 March 1837.	10. Number of Cases tried and Number of Appeals from Decrees from 31 December 1833 to 25 March 1837.	11. Fees charged on each Case and Amount of Costs since 31 December 1833 to 25 March 1837.	12. OBSERVATIONS.
Under the patent there is a power to distrain for any sum not exceeding 2 *l.*; however it is a proceeding seldom made use of, as a process answers equally; therefore it is seldom resorted to, except when the debtor is about to leave the manor; but when resorted to, the distringas is issued, upon the affidavit of plaintiff, and executed by the bailiff of the manor.	- - 13 courts are held annually, and since December 1833 to March 1837, 43 courts have been held, during which time no adjournment took place but once, caused by the illness of seneschal from a fall off his horse.	- In 1834, 56 1835, 55 1836, 48 1837, 27 In all - 186 cases entered.	- - In 1834, 38 1835, 37 1836, 33 1837, 20 In all - 128 cases tried. One appeal was tried in 1836, but was confirmed by the judge of assize.	- - 5 *s.* 6 *d.* costs on each case tried. Costs up to 25 March 1837 amount to 43 *l.*	- - The seneschal is no magistrate nor member of any legal profession, but a private gentleman.

9 April 1837. *John Clarke*, Seneschal.

Appendix (A.)

GALWAY.

COUNTY OF GALWAY.

Name of each Manor Court.	Names of Baronies over which the Jurisdiction of each Court extends.	Names of Places where each Court is held.	Greatest Distance of any Place within the Jurisdiction from the ordinary Place of holding such Court.
Portumna - -	Longford - -	Portumna - -	7 miles.
Meelick - -	Longford - -	Killimore - -	6 –
Leitrim - - -	Leitrim - -	Woodford - -	8 –
Callow - - -	Killconnell - -	Killconnell - -	6 –
Liskennanan - -	Clare - - -	Clare, Galway, Currendully, &c.	10 –

Dates of Patents or Charters granted to such Courts?

19th July 1610, 8th of James 1; 8th April 1662, 14th Charles 2.

N. B.—There are three other manors, over which Mr. Bricknell has been appointed seneschal by the Marquis of Clanricarde, but has not, as yet, held any court in those manors; namely, Castlegar, in the barony of Killyan; Tyaquin, in the barony of Tyaquin; Rathwiere, in the county of Westmeath.

Extent of their Pecuniary Jurisdiction, how it is enforced, and what Description of Cases are tried?

£. 10 current money of England is the extent of the pecuniary jurisdiction in those courts, and is enforced by summons or process, setting out the names of plaintiff and defendant, the amount of the debt claimed and the cause of action; and such summons is returnable on a regular court-day, as specified in such summons, at which time it is tried by a jury of respectable men, resident in the manor; and if the jury find for the plaintiff, a decree or execution is immediately issued by the seneschal for the amount of such finding or verdict, and is levied through one of the bailiffs of the court, by distress and sale of the goods of the defendant, before next court-day (if goods are available); and the description of cases tried are actions personal, which I apprehend to mean debt, assumpsit, insimul computasset and quantum meruit.

Appendix (A.)

Galway.

Extent of Power with regard to Imprisonment, the Number of Persons imprisoned under Decree, and whether the Prison be one of peculiar Jurisdiction?

Neither of the charters gives any power of imprisonment, therefore an execution or decree against the person is not issued, nor is there an authority under the charters to have a prison in any barony for recovery of debt.

Whether Power of Distress exists, and how levied?

Power of distress exists, and is levied exactly similar as under the decree of an assistant-barrister at quarter-sessions; power also exists of attaching or distraining the goods of a defendant, and holding them over until after trial the next court-day; but I do not resort to this mode of previous distress, unless upon the written affidavits of two persons that a defendant is about to remove his goods, not alone out of the manor, but out of the jurisdiction of the assistant-barrister of the county, to evade the payment of the debt.

Number of Courts held in each Year, beginning from the 31st December 1833?

Richard Rathborne, stipendiary magistrate for the county of Wexford, held the manor courts I now preside in as seneschal from the 31st December 1833 to the 21st November 1836. I hold one court in each manor every month.

Number of Courts adjourned from Non-attendance of Jurors, or other cause?

One court in one manor only (Killconnell) was adjourned from the 17th February 1837 to the 11th of March 1837, in consequence of my confinement from influenza.

Number of Cases entered for trial; the Number of Cases tried?

From the 1st of December 1836 to the 1st of May 1837, a period of five months, there were 1,218 processes served, 413 cases entered for trial, and 278 cases tried.

Number of Appeals from Decrees, stating how many were tried, and how many Decrees reversed?

There were five appeals from decrees in the courts I held during said period, one only of which was tried, and reversed in consequence of the death of the respondent to such appeal.

Return of Fees charged, the Sums recovered, and the Amount of Costs during the same period?

5*s.* 6*d.* is the full amount of costs upon each decree, and the same sum upon each dismiss.

Two hundred and thirty-five different sums were recovered during said five months, amounting to 491 *l.* 12*s.* 11*d.*; the remaining number of 43 cases were dismissed, out of the 278 that were tried.

The amount of costs during the same period was 122*l.* 9*s.* 6*d.*, which includes the expense of 940 other processes or summonses served, but not entered for trial in consequence of payment of the debts.

Courts, the Seneschals or Stewards of which are Members of any and what Legal Profession, or Justices of the Peace?

I am not a member of any legal profession.
I am a magistrate for the county of Galway.

(signed) *J. J. Bricknell*, J. P.

Loughrea, 5 May 1837. Seneschal to the Marquis of Clanricarde.

Manor of Clare, alias Claremount.

Manor of Clare, alias Claremount.

Its jurisdiction is in the baronies of Ballenahench, Moycullen and Ross, in the county of Galway. Monthly courts are held in those baronies, and the average distance between each court is from 10 to 15 miles. The patent is dated the year 1696, granted to Captain Richard Martin. The pecuniary jurisdiction cannot exceed 2*l.*, the current money of Great Britain, enforced by a decree against the goods and chattels of defendant, when a verdict is returned by a jury. The cases tried are trespass, debt and detinue, as authorized by the patent. There is no power in any way over the person, consequently no imprisonment. The number of courts held in the year in those baronies is 60. No court has been adjourned for the non-attendance of jurors or other cause. The average number of cases entered for trial

Manor of Clare, alias Claremont.

trial in each court is from 8 to 15, which are generally tried. Number of appeals since 1833 was four, three of which were confirmed. The fees are as follows: process, 1*s.*; service of the same, 6*d.*; entry, 1*s.*; decree, if called for, 2*s.* 6*d.* In no case can the cost exceed 5*s.* 6*d.* The sums recovered at those courts average 150*l.* monthly. The names of the places where the courts are held are as follows: Tully, Clifden, Bunowen, Roundstone and Bunskaniff. The seneschal attending those courts is not a member of any profession or justice of the peace; he was appointed to this manor by Thomas Martin, esq., M.P., pursuant to the power the patent gives him.

Thomas Evans, Seneschal.

MANOR OF CASTLE BELLEW, ALIAS CLONORANEIGHTER.

Manor of Castle Bellew, alias Clonoraneighter.

THE jurisdiction of the manor court, of which I am seneschal, extends over a large portion of the baronies of Teaquin and Killian, part of the barony of Ballimoe, and a small portion of the barony of Dunkellen; all in the county of Galway.

The names of the townlands I had the honour of sending you, in reply to your letter of the 10th March 1837.

Eight miles is the greatest distance I exercise my jurisdiction from my manor court at Mount Bellew Bridge, in the barony of Killian. I do not exercise my jurisdiction in that part of the barony of Dunkellen included in my patent, it being 18 miles distant from my manor court.

On the records of the Roll of Chancery the patent of this manor bears date the 6th day of January, in the 36th year of the reign of Charles the Second; it gives power to hold courts leet and baron and courts of record.

The pecuniary jurisdiction extends to 9*l.* 4*s.* 7*d.*; it is enforced by a decree, granted by the seneschal (on a verdict by 12 jurors), empowering seizure of goods found within the manor.

The cases tried are for debts amounting to or under 9*l.* 4*s.* 7*d.* due by persons within the manor.

The patent gives a power of imprisonment. None have been imprisoned, as the power has never been exercised.

There is no prison. The power of distress exists, and is exercised as already mentioned.

The manor court is held on the first Monday in every month at Mount Bellew.

Twelve courts were held from 31 December 1833 to 31 December 1834.
— from 31 December 1834 to 31 December 1835.
— from 31 December 1835 to 31 December 1836.

Four courts were held from 31 December 1836 to 4 April 1837.

There has been no court adjourned for the above period.

The number of cases entered for trial in the year	1834	2,431
—	1835	2,700
—	1836	2,822
—	1837	1,073
The number of cases tried in the year	1834	442
—	1835	465
—	1836	578
—	1837	160

Three appeals during the above period; two affirmed, one reversed.

No charge made for entering cases for trial.

The fees charged are:—

	£.	s.	d.
For a summons or process, copy and original	—	—	6
For a test - - ditto - - ditto	—	—	6
For a decree	—	5	6
For a dismiss	—	5	6
For entering an appeal	—	1	—
For renewing a decree	—	—	6
Bailiff's fee for serving a process	—	—	6
— for executing a decree	—	1	—

N. B.—When a decree is granted or a dismiss, 6*d.* paid for process and 6*d.* paid for service is allowed; so that 5*s.* 6*d.* covers all costs but tests for witnesses.

Appendix (A.)

GALWAY.

Manor of Castle Bellew, alias Clonoraneighter.

DATE.	Number of Decrees.	Cases dismissed.	Amount of Debt recovered.	Fees received by Seneschal.
			£. s. d.	£. s. d.
1834	288	154	1,291 14 7½	171 5 6
1835	302	163	1,575 18 10½	185 19 6
1836	402	176	2,184 11 8	219 2 –
1837	104	56	509 8 1½	67 10 6

I am not a member of any legal profession nor am I a justice of the peace.

Wm. Kilganon,
Seneschal.

MANOR OF EYRECOURT.

Manor of Eyrecourt.

1. Date of Patent.	2. Extent of Pecuniary Jurisdiction.	3. Description of Cases Tried, and how they are enforced.	4. Power of Imprisonment.	5. Description of Prison.
Granted by Charles the 2d to John Eyre, esquire, of Eyrecourt Castle, in the county of Galway, in the 20th year of said reign.	- - Court always held at Eyrecourt; and decrees of said court levied by bailiffs, appointed by the seneschal, to the distance of about nine miles from said town, to the amount of 10*l.*	- - Actions for debt, levied by decrees.	- - Granted by charter, but never exercised. Decrees invariably against the goods and chattels.	- - No prison over which the seneschal has control, though empowered by his charter to appoint a gaoler, in case of a prison, for his peculiar jurisdiction.

6. Power of Distress.	7. Number of Courts held in each Year.	8. Number of Courts adjourned for Non-attendance of Jurors.	9. The Number of Cases entered for Trial.	10. The Number of Appeals from Decrees.	11. Return of Fees charged.
Decrees levied by seneschal's bailiffs against goods and chattels.	- - A court generally held once every three weeks.	- - An adjournment of a court seldom occurs, say three or four times a year.	- - From 11th Dec. 1833 to 29th of March 1837, were 486.	- - From 11th Dec. 1833 to 29th March 1837, were 17, a few only of which were proceeded with, and but one reversed, and another affirmed.	- - Seneschal's fees, including bailiff, 5*s.* 6*d.* upon each decree and dismiss.

13 April 1837.

Robert Eyre, Seneschal.

COUNTY OF KERRY.

Manor of Ardfert.

1. The Places over which the Jurisdiction extends.	2. The greatest Distance of any Place within such Jurisdiction from where Court is held.	3. Date of the Patent.	4. Extent of Pecuniary Jurisdiction.	5. How it is enforced.	6. The Description of Cases tried.	7. The Extent of Power with regard to Imprisonment, &c.	8. Number of Courts held since present Seneschal was appointed; viz. 1 Sept. 1836.
Fenits, Lisodigues, Carrahanes, Bannas, Ballinfryer, Ballymore, Quins, Garreyneneaskan, Bawnmore, Killymoyly, Ballymore, Andrews, Ballinorigs, Killcooly, Ballymoreaquims, Aghamores, Cahernead, Rathscannell, Rathkinnys, Kilgulbins, Knucknemillaghs, Gurtduffs, Ardrahans, Baltouins, Lerregs, Keeleekils, Clohers, Ballyrobert, Tubreds. The borough of Ardfert, consisting of Ardfertoctra, Farrenwilliam, the town and commons of Ardfert, Brandonwell, Grague, Sheepwalk, Sackvill, &c., Glounceagh, Knuckreagh, Ballylaheree, Deepford, Clounnekellee, Rockfield, Toanaknuck, Ballyhenry, Keellerickane, Knuckbruck, Ballyhemmekeen, Gloundahillen, Dirtane, Ballyronen, Boulanshere, Finallys, Ballynglanne, Ballynoeleg, Toherbawn, Knuckanhuege, Crosmacshane, Ballyenoughty, Robertstown, Ardrahin.	Five miles	1601	40*s.*	- - By decree executed by special bailiff appointed by seneschal.	- - Trespass, trover and assumpsit.	- No power of imprisonment.	- - Eleven courts held since seneschal was appointed.

9. Number of Courts adjourned for want of Jurors, or other Causes, since Seneschal was appointed.	10. Cases entered for Trial since Seneschal was appointed.	11. Cases tried since Seneschal was appointed.	12. Number of Appeals from Decrees since Seneschal was appointed.	13. A Return of the Fees charged since the Seneschal was appointed.	14. Sums recovered since Seneschal was appointed.	15. Amount of Costs since Seneschal was appointed.	16. Seneschal Member of any and what Legal Profession, or Justice of the Peace.
There was no court adjourned since seneschal was appointed.	- - Eighty-two cases entered.	- - Seventy-eight cases tried.	- There was no appeal since seneschal was appointed.	- - For each process, 1*s.*; for entering same, 1*s.*; for releasing said decree, 2*s.* 9*d.*	£. 380. 10. 7.	£. 33. 18.	- - Not member of any legal profession, or justice of the peace.

16 April 1837.

(signed) *George T. Rice.*

Appendix (A.)

KERRY.

Manor of Ballyhige, Ballynoe and Ballingarry.

MANOR OF BALLYHIGE, BALLYNOE AND BALLINGARRY.

THE Places over which the Jurisdiction extends?
Ballyhige, Ballynoe and Ballingarry.

The greatest Distance of any Place, within such Jurisdiction, from the Place the Court is held?
Between nine and ten miles.

The Date of Patent?
The court has been held time immemorially. No patent can be shown.

The Extent of Pecuniary Jurisdiction?
Two pounds Irish.

How it is enforced?
By distress of goods or cattle.

What Description of Cases are tried?
None but for debt.

What Extent of Power, with regard to Imprisonment?
No power of imprisonment, or, if such power exists, never exercised.

The Number of Persons imprisoned?
None.

Whether the Prison be one of peculiar Jurisdiction?
No prison.

Whether Power of Distress exists, and how levied?
Power of distress does exist, and the amount of decree is levied by the bailiffs of the court, on receiving the decree signed by the seneschal.

Number of Courts held in each Year, beginning from the 31st day of December 1833?
The court preceding 31st December was held on the 5th December 1833.

In 1834,	there was	12 to 13th December.
In 1835,	—	12 to 24th December.
In 1836,	—	13 to 22d December.
And	—	3 to 16th March 1837.

The Number of Courts adjourned for Non-attendance of Jurors, or other cause?
None for non-attendance of jurors; twice on account of indisposition of seneschal.

The Number of Cases entered for Trial?
Five hundred and thirty-six.

The Number of Cases tried?
Three hundred and forty.

The Number of Appeals from Decrees; stating how many were tried, and how many Decrees were reversed?
Three appeals; none reversed.

The Return of Fees charged?
2 *s.* 6 *d.* for sums under 10 *s.*; 5 *s.* 11 ½ *d.* for sums over.

The Sums recovered during the same Period?
£. 164. 6 *s.* 9 *d.*

The Amount of Costs during the same Time?
£. 60. 8 *s.* 1 ½ *d.*

Whether the Seneschal or Steward of said Court is a Member of any, and what, Legal Profession, or Justice of the Peace?
No profession, or justice of peace.

(signed) *Thomas Crosbie*, Seneschal.

Manor of Ballinacourty.

1. Places over which Jurisdiction of the Court extends, and greatest distance of any Place within such Jurisdiction from the ordinary Place of holding Court.	2. Date of Patent or Charter.	3. Extent of Pecuniary Jurisdiction, how enforced, and what Description of Cases tried.	4. Extent of Power with regard to Imprisonment, and Number of Persons imprisoned.	5. Whether Power of Distress, and how levied.	6. Number of Courts in each Year, from 31 Dec. 1833; the Number of Courts adjourned for Non-attendance of Jurors or other Cause; the Number of Cases entered for Trial; the Number of Cases tried; the Number of Appeals from Decrees, stating how many were tried, and how many Decrees were reversed								
					Number of Courts held from 31 Dec. 1833 to 31 Dec. 1834.	Number of Courts held from 31 Dec. 1834 to 31 Dec. 1835.	Number of Courts from 31 Dec. 1835 to 31 Dec. 1836.	Total Number of Courts held in Three Years.	Number of Courts adjourned for Non-attendance of Jurors, or other Causes.	Number of Cases entered for Trial, and Number of Cases tried, from 31 Dec. 1833 to 31 Dec. 1834.	Number of Cases entered for Trial, and Number of Cases tried, from 31 Dec. 1834 to 31 Dec. 1835.	Number of Cases entered for Trial, and Number of Cases tried, from 31 Dec. 1835 to 31 Dec. 1836.	Total Number of Cases entered, and Number tried in Three Years, ending 31 Dec. 1836.	Number of Appeals from Decrees, stating how many Decrees were reversed.
The jurisdiction of this court extends over the entire barony of Corkaguiny, in length about 36 miles, and the greatest distance of any place within such jurisdiction from the ordinary place of holding court, is about 18 miles.	7th of January, in the fifth year of the reign of King Charles.	How far the pecuniary jurisdiction may extend cannot be set forth, as the patent does not fix any particular amount; and it is supposed the jurisdiction is unlimited; but during a period of 12 years that the present seneschal has been in office, he never entertained an action in cases of assumpsit or trover beyond 9 *l.* 4 *s.* 7 *d.*, and in trespass beyond £.4. 12. 3. The decrees are enforced against goods only, and they are executed in every respect like decrees from the assistant barrister's court, by bailiffs appointed by seneschal. The cases tried are trover, trespass and assumpsit.	Seneschal has no power of imprisonment, and no person was imprisoned under his decree. There is no prison attached to the manor.	No power of distress, save to enforce decrees or dismisses. *See* col. 3.	13	13	13	39	none	Ent^{d}, 603 Tried, 436	Ent^{d}, 713 Tried, 539	Ent^{d}, 586 Tried, 434	Ent^{d}, 1,902 Tried, 1,409	Appeals, Tried - Decrees versed, no

7. Fees charged.		8. Sums recovered, and Amount of Costs, during the Three Years commencing 31 Dec. 1833, and ending 31 Dec. 1836.												9. Observatio
		Sums recovered, and Amount of Costs, in Year ending 31 Dec. 1834.			Sums recovered, and Amount of Costs, for the Year ending 31 Dec. 1835.			Sums recovered, and Amount of Costs, for the Year ending 31 Dec. 1836.			Total Amount of Sums recovered and of Costs, in Three Years, ending 31 Dec. 1836.			
	s. *d.*		£. *s.* *d.*			£. *s.* *d.*			£. *s.* *d.*			£. *s.* *d.*		
Process and service	1 –	Recovered - -	493 3 4½		Recovered - -	668 10 9		Recovered - -	599 11 –		Recovered	1,761 5 1½		- - The sen chal of manor is a member any legal p fession, no justice of peace.
Entrance	1 –	Costs of decrees, &c. - - -	98 2 –		Costs, decrees, &c.	121 15 6		Costs, decrees, &c.	97 13 –		Costs -	1,157 10 6		
Summoning jury	1 –	Ditto of processes issued and not tried	250 – –		Ditto of processes issued and not tried	290 – –		Ditto of processes issued and not tried	300 – –					
Signing decree	2 6		£. 348 2 –			£. 411 15 6			£. 397 13 –					
	5 6													

8 April 1837.

Examined by *Timothy Moriarty*, Seneschal.

Appendix (A.)

Kerry.

Manor of Dunkerron.

Manor of Dunkerron.

The jurisdiction of the manor court extends all over the Marquis of Lansdowne's estates, in the county of Kerry; but I do not hold court or take in actions from any of the remote or distant parts of his lordship's estates, but confine the jurisdiction of the court to his lordship's estates in the barony of Glanarough only.

Appendix (A.)

KERRY.

Manor of Dunkerron.

The greatest distance of any place from the ordinary place of holding court in Glenarough is about 10 or 11 miles.

Charter ?

The letters patent of George 1 to Henry Earl of Shelburne, a printed copy of which I beg to forward herewith, dated 26th November 1720.

The pecuniary jurisdiction of the court is 10 *l.* Irish, enforced by empannelling a jury, who adjudicate, after hearing evidence, on all actions of debt, covenant and trespass, account, contract, &c. &c., such as are recoverable at quarter sessions under former Acts.

There is no power of imprisonment; no decree issued against the person.

Power of distress is by issuing a decree through the bailiff of the court, and sale of goods so distrained, after five days' notice, by public advertisement.

Number of courts held in 1834, 15; in 1835, 17; and in 1836, 16. Total number of courts held for the last three years, 48.

No adjournment of courts for non-attendance of jurors.

Number of cases in which processes were issued :

	Processes Issued.	Cases tried.	Costs.
In 1834	691	91	£. 42 9 6
1835	810	131	52 3 6
1836	765	124	49 14 –
Total number for last three years	2,266	346	Total Costs £. 144 7 –

Total number of cases entered and tried in court for the last three years - - - - - 346

Number issued and not tried for the last three years - - 1,920 by which a large amount of debts must have been recovered, and of which I could have no record.

Amount of debts recovered for the last three years on the above 346 cases tried in court, 410 *l.* 3*s.* 8*d.*

Four appeals were lodged against decrees during the last three years, which I believe were settled out of court without proceeding to trial.

Legal fees charged :	£.	s.	d.
To the seneschal for signing and issuing a summons or process	–	1	–
For entering the action in court when proceeding to trial -	–	1	–
To the bailiff for summoning a jury - - - - -	–	1	–
For signing and issuing the decree or execution - - -	–	2	6
Total cost of decree when issued - - -	£. –	5	6

Seneschal no member of any legal profession or justice of the peace.

Kenmare, 8 April 1837. *Daniel Sullivan*, Seneschal.

The LETTERS PATENT of *George* the First, for erecting certain Lands in the Baronies of Glanerough, Dunkieron, and Iveragh, in the County of Kerry and Kingdom of Ireland, into a Manor, by the Name of the Manor of Dunkieron; and for granting the Courts and the Jurisdiction, &c. thereof to Henry Earl of Shelburne.

George, by the Grace of God, of Great Britain, France and Ireland King, Defender of the Faith, &c.

To all to whom these presents shall come, greeting.

Whereas our right trusty and right well-beloved cousin, Henry Earl of Shelburne, hath, by his petition, humbly represented unto us, that he is seised of several castles, tenements and hereditaments in the baronies of Glanerough, Dunkerron and Iveragh, in our county of Kerry, in our said kingdom of Ireland, and in the extreme part thereof, towards the western seas, and in a coarse and mountainous country, and for the most part inhabited by Papists, who, living very remote from all courts of law or justice, have hitherto acted without any regard to either; and though the petitioner has used his utmost endeavours to reclaim them, yet the same have hitherto proved unsuccessful, for want, as the petitioner humbly conceives, of having a legal form of justice established in that part of the country.

That there were very considerable woods on the said tract of ground, which, if preserved, would have been of public use and service to the country; but the situation, the people and their circumstances, being remote from and not fearing the laws nor the administration thereof, the said woods are almost destroyed by the said inhabitants.

And

And forasmuch as the petitioner has nothing more at heart than the planting the said country with Protestants, and making the said Papists in some measure amenable to our law, which the petitioner is in great hopes of compassing, if we would be pleased to grant our royal letters patent for the erecting the said lands into a manor, and to grant unto the petitioner and his heirs franchises of all waifs, strays, &c., as also courts baron to be held within the said manor before a seneschal, to be appointed by the petitioner and his heirs, with special power to take cognizance and hold pleas of all and all manner of actions for debt, detinue and trespass, arising within the said manor, not exceeding the sum of 20*l.* in each action, with such other grants and powers as are usually inserted in letters patent of the like nature, by means whereof the petitioner humbly hopes to be able to plant and improve a wild and desolate country, and thereby obtain those good ends for which he became an humble suitor to us.

We being willing to gratify him in his request:

Know ye, that we, of our special grace, certain knowledge, and mere notion, by and with the advice and consent of our right trusty and right well-beloved cousin and councillor, Alan Lord Brodrick, Viscount Midleton, our chancellor of our said kingdom of Ireland; and of our trusty and well-beloved councillor, William Conolly, esq., speaker of our House of Commons in our said kingdom of Ireland; our justices-general and general governors of our said kingdom of Ireland; and according to the tenor and effect of our letters, under our privy signet and royal sign manual, bearing date at our court at St. James's, the 26th day of November 1720, in the seventh year of our reign, and now enrolled in the rolls of our High Court of Chancery in our said kingdom of Ireland; have given and granted, and by these presents, for us, our heirs and successors,

We do give and grant unto the said Henry Earl of Shelburne, his heirs and assigns:

That the several castles, tenements and hereditaments of Gortagass, Gortalinny, Cahir, Killgorta alias Kilgortary, Glanmore, Killmakilloge, Canfeagh, Canferagh, Leaghad, Ardagh, Derriverihy, Curragherine, Derrynaunicklagh, Derrymaglagh, Glaninchiquin, Derryclogh and Uragh, Dromoghty, Killogha, Drumrihy alias Drumovihiby, Bonane, Gortrassney, Coolenagopoge, Farramore, Drumfeaghnagh, Ballygriffin, Gortlahard, Eastkilltrasny, and Killony alias Killowen, Nedeen, Renegapell, Drumonclarigg, Renogrosse, Knockanebane, Caminnarge alias Carumminnigar, Lisscleligg, Killcurrane, Gortcadaveen, Cumkerkis, Drumatauke, Doughill, Derrycahane alias Derrylaghane, Killpatrick, Gortamartara, Killshawhane, Cappaghmore, Cappaneagh, Inishtullymore, Inshibegg, Gowlane, Gorlahane, Derrygarue, Turinbreanly, Killsackane, Cappaghmore, Lackharne, Comeenboy, Gortadaveene, Straberane, Killarush; another Drumfeanagh, Creeveen, Nihanagh, Barrieragh, Scruberane, Killarash, Clovenny alias Clonyhalf, Derrymanvetick, Drumfeanagh, part Ardtully, Dromondillis, Killpadir, Keanraure, Gortahard, Commons of Knockane parish, viz. Shronahiry, Clownlittergarue, Glanmackihy, Gortnalmore, Carribegg, Shronahiry, Clugheraghmore, Cleanaghilly and Clugheraghbegg, Kias, Boheshelland, Cowee, Cappageny, Cullenagh, Cullemgork, Clodagh, Ardkinturk, Ardclukine, M'Gullycuddy's Reeks, Gullerklahir, Ballydarr, Killcowlloughta, Upper Aninngane, Anagary, Glancarra and Lyrans, Bohesheel, part of Carraghbegg, part of Lyrans, Drumdowry, Shanacashell, part Gartamalooe, part Cappaghmore, part Aghane, part Cappanavally, Curraghflugh, Gortagowne, Garrina, part Cullenagh, Gortinvulane, Cladanancore, Drumkieron alias Dunkieron, Drumonahiry alias Drumaginny, Fieranticloghy, Cappanacossy, Kapparuore, Leackeene, Islandboy, Termonmanagh and Termon Terough, Morighane, Spunkane, Cahirburnagh, Sheskenane, Outagh, Cahirsavane, Commons to the parish of Dromode, commonly called Glanbeg Commons, East Dromode, Doore, Garrantefolly, West Dromode, Susgrasing, Farmoyle, Little Teragh, Lough and Commacommee Commons, called Rosbracha, Coolenihargill, Drumanaha, Lough and Faha, Killduffe, the two Camiraghs Commons of Glanbehy, Gowlane, Culernoe, Canahir, Keanraure, Rosnasharagh, Fasglassheene, Killnabracke, West Comigoe, Cloghane, Cluhanehihanahane, Carhin, Aghatobride, Ballymagillynewlane, Cashill and Towreglassogy, West Killyboyne, Killonagha, Taisto and Fearglin alias Duffin Islands, Killkearagh, Rathkearne, Kloghanecanigg, Boocall, Latiffe, Bolus, Aghert, Aughlaghy, Ballynahane alias Turin, East-Killyboyn, Aghagada, Killnoluoge, Ardcasta, Ballynskellix, Horse-Island, Ballyntemple, Argyll, Cluhanenoe and Dungegane, Cannagh, Inlaghmore, Comme and Comeelragh, Killenlagh, Farmoyle and Suss, Killboynabeene, Corra, Shrugeny, Cappagh, Derrymore, Killurly, Teeraghagha alias Glassanoragh, Buslerdaha, Ballynahow, Derrymore and Keala, Bagantow, Keala Lough, Tyromoyle, South Gortingogahly, Kihirnaman and Krockeene, Gortnaferry, Glanesky, part of Tyromoyle, South Cahirloghlin, Caher Iteragh, Tyromoyle, North Comersherow, Caher Iteragh and Knockanebane, with their and every of their appurtenances; all which said lands and premises are situate in the baronies of Glanerough, Dunkieron and Iveragh, in our said county, and in the extreme parts of our said kingdom, towards the western seas as aforesaid, from henceforth for ever hereafter be had, reputed and taken, and be in deed and in name one entire manor to all intents, constructions and purposes.

And all and singular the aforesaid lands into one entire manor, we do for us, our heirs and successors, erect and create by these presents.

And we do by these presents for us, our heirs and successors, strictly charge and command that the said several castles, towns, lands, tenements and hereditaments, with their and every of their rights, members and appurtenances hereinbefore mentioned, be and shall be from henceforth reputed and taken for one entire manor, to be called and known by the name of the manor of Dunkieron.

Appendix (A.)

KERRY.

Manor of Dunkerron.

And further, of our special grace, certain knowledge and mere motion, by and with the advice and consent aforesaid, and in pursuance of our said letters, we do by these presents, for us, our heirs and successors, give and grant unto the said Henry Earl of Shelburne, his heirs and assigns, full and absolute licence, power, liberty, privilege and authority, that he, the said Henry Earl of Shelburne, his heirs and assigns, and every of them, shall and may for ever within the said manor of Dunkieron, and the said respective lands hereby appointed to be part and parcel of the said manor, have and hold a court leet and view of frankpledge, and all things whatsoever to a court leet and view of frankpledge belonging or in anywise appertaining, before such seneschal or seneschals as from time to time shall be nominated, ordained and appointed by him, the said Henry Earl of Shelburne, his heirs or assigns; the said court leet or view of frankpledge to be holden within the said manor of Dunkieron twice in every year, according to the statute in that case made and provided.

And that the said seneschal and seneschals, and every of them, shall and may from time to time, and at all times hereafter, have, enjoy and execute full power, authority and jurisdiction in the said court leet and view of frankpledge to be holden within the said manor of Dunkieron as aforesaid, to inquire of all felonies, trespass, deceits, nuisances, and all other causes, offences and matters whatsoever, arising, happening, increasing or renewing in or within the said manor of Dunkieron, or in or within the several lands, tenements or hereditaments above by these presents mentioned to be part or parcel of the said manor, and to do and execute all other things whatsoever which are accustomed or ought to be inquired of, done or executed in any court leet or view of frankpledge within our realm of Great Britain, or within this our said realm of Ireland.

And further, of our like special grace, certain knowledge and mere motion, by and with the advice and consent aforesaid, and in pursuance of our said letters, we do by these presents, for us, our heirs and successors, grant unto the said Henry Earl of Shelburne, his heirs and assigns,

That he the said Henry Earl of Shelburne, his heirs and assigns, and every of them, shall and may within the said manor of Dunkieron have and hold one in every three weeks, or seldomer, if he or they please, a court in the nature of a court baron, to be holden before such seneschal or seneschals as from time to time shall be nominated and appointed by him, the said Henry Earl of Shelburne, his heirs or assigns:

And that the said seneschal and seneschals, and every of them, shall and may from time to time have, enjoy and execute full power, authority and jurisdiction to hold plea in the said court of all actions of debt, covenant and trespass, account, contract, detinue, and all other causes and matters whatsoever, which in debt or damages exceed not the sum of 10*l.* current money of Great Britain, happening, arising, done or perpetrated within the said manor of Dunkieron, and to hear, determine and execute in the said court all such and the like actions, causes and matters whatsoever as are accustomed or ought to be heard, determined or executed in any court baron, either within this realm of Ireland or within our said realm of Great Britain.

And also, of our abundant grace, certain knowledge and mere motion, by and with the advice and consent aforesaid, and in pursuance of our said letters, we have given and granted, and by these presents for us, our heirs and successors, we do give and grant unto the said Henry Earl of Shelburne, his heirs and assigns,

That he, the said Henry Earl of Shelburne, his heirs and assigns, shall and may for ever have and hold within our said manor of Dunkieron a law-day or court of record, from three weeks to three weeks, at such times and places as to him and them shall be thought fit, before such seneschal or seneschals as shall be from time to time nominated and appointed by him, the said Henry Earl of Shelburne, his heirs or assigns:

And that the said seneschal and seneschals, and every of them, shall and may from time to time have, enjoy and execute full power, authority and jurisdiction in the said court of record to hold plea of all manner of actions of debt, detinue, trespass, replevin, withernam, second deliverance, and all other personal and mixed actions whatsoever, wherein the debt and damages exceed not 10*l.* current money in Great Britain, happening or arising, or growing in or within the said manor of Dunkieron, or in or within the several towns, lands, tenements and hereditaments limited and appointed by these presents to be part and parcel of the said manor:

And that the said seneschal or seneschals, and every of them, shall and may from time to time have full power, authority and jurisdiction, upon any plaint or action to be entered in the said court of record, to award and make such process and warrants, as well of replevins and withernam, as also to compel the defendant in every such action to appear and answer to the plaintiff's action, as in any other such court of record in this our realm of Ireland are used to be made and awarded, and which may stand with and be not contrary to the laws and statutes of this our realm of Ireland, be the same by summons, or by attaching or arresting the bodies or goods of the defendant, or by distress, or by any other legal manner, right or title whatsoever:

And also to continue the process and pleas in the said actions, and to hear, examine, discuss and determine all and singular the said pleas, plaints, actions and matters whatsoever, and by due course of law to proceed to judgment thereupon, and upon the said judgment to award and issue out executions for satisfaction of the said judgments, either upon the bodies, goods or lands of the defendant, or otherwise, according to the course of our laws in this our realm of Ireland.

And

And likewise, of our special grace, certain knowledge and mere motion, by and with the advice and consent aforesaid, and according to the tenor of our said letters, we do, for us, our heirs and successors, give and grant licence, power and absolute jurisdiction unto the said Henry Earl of Shelburne, his heirs and assigns,

That he, the said Henry Earl of Shelburne, his heirs and assigns, and every of them, shall and may from henceforth, from time to time, and at all times for ever hereafter, have, hold, receive, perceive, levy, collect, enjoy, and to his and their own proper use convert all and singular the fines, issues, amerciaments, forfeitures, perquisites, profits, commodities and emoluments whatsoever, coming, arising or increasing out or by reason of the said several courts above, by these presents granted or mentioned, or intended to be granted, and every of them, without ever giving or yielding unto us, our heirs or successors, any account for the same; and that without the molestation, disturbance, disquiet or grievance of us, our heirs or successors, or of the justices, escheators, sheriffs, bailiffs, or other officers or ministers of us, our heirs or successors.

And also, that the said Henry Earl of Shelburne, his heirs and assigns, and every of them, shall and may from time to time have full power and authority to constitute and appoint within the said manor of Dunkieron, and within the meers and bounds thereof, and within the jurisdiction of the said court of record, one or more person or persons to be bailiff, minister or officer, or bailiffs, ministers or officers, of the said manor and court of record from time to time, and continue during the pleasure of him, the said Henry Earl of Shelburne, his heirs and assigns;

And that all and every such person and persons so by the said Henry Earl of Shelburne, his heirs and assigns, to be constituted and appointed to be bailiff, minister or officer of the said manor or court of record, shall and may from time to time, during all that time that he or they shall remain in their said offices, serve and execute all the said warrants, precepts, process and attachments, and all other mandates, summonses, executions and writs awarded and granted, or to be awarded and granted, out of the said court of record, as well upon the body or bodies as upon the goods and chattels of any person or persons against whom such warrants, precepts, writs, summons, attachment, distringas and process shall be awarded and granted in the said manor and jurisdiction of the said court of record or otherwise, according to the direction of all and every such warrant, precept, summons, writ, attachment, distringas, mandate and process, and every of them, as shall be from time to time awarded or granted out of the said court of record aforesaid:

And that no sheriff or sheriffs' bailiffs shall meddle in the execution of any writ within the said manor of Dunkieron, but when there is no bailiff within the said manor wherein he shall so intermeddle.

And also of our more abundant grace, certain knowledge and mere motion, by and with the advice and consent aforesaid, and according to the tenor of our said letters, we do by these presents, for us, our heirs and successors, grant unto the said Henry Earl of Shelburne, his heirs and assigns,

That he, the said Henry Earl of Shelburne, his heirs and assigns, shall and may, at his and their will and pleasure, erect, build, or make and have, in any place in or within the said manor, and the meers, limits and bounds thereof, and within the jurisdiction of the said court of record, one prison for the prison of the said manor, to imprison and safely keep all persons whatsoever who shall happen by due course of law to be arrested or attached in or within the said manor, for any matter or cause whatsoever, depending or to depend in the said court of record, until they shall be from thence delivered by the laws and customs of this our realm of Ireland:

And also by themselves, their ministers or officers, to detain and keep all such prisoners and every of them in the same prison as aforesaid, and them so imprisoned by due course of law to deliver upon bail, set at large and dismiss.

And also, that the said Henry Earl of Shelburne, his heirs and assigns, shall and may have full power and authority from time to time for ever, as often as need shall require, at his and their will and pleasure, to elect, constitute, nominate and appoint one fit person or persons to be keeper or keepers of the said prison:

And that such person so elected, constituted and appointed, and none other, shall be keeper or keepers of the said prison, and shall have the keeping thereof, and of all and every the prisoners which shall be committed therein, so as every such keeper of the said prison, before he or they enter into or shall take upon him the said office, do take his corporal oath, before the seneschal or seneschals of the said manor wherein the said prison shall be erected, truly to serve and execute his said office:

And that as well the bailiff, officer and minister of the said manor and court of record, as the keeper or keepers of the said prison, to be nominated, constituted and appointed as aforesaid, shall and may for ever have, levy and receive, perceive and take all such, so many, and the like, and as great fees, wages and rewards, commodities, profits, emoluments and advantages, as any other bailiff or minister of the like court and keeper of the like prison have been accustomed to have, levy, perceive and take for or by reason of the exercise of their offices of bailiff, officer or minister of the like court, or keeper of the like prison.

And further, of our special grace, certain knowledge and mere motion, by and with the advice and consent aforesaid, and according to the tenor of our said letters, we do by these presents, for us, our heirs and successors, give and grant unto the said Henry Earl of Shelburne, his heirs and assigns, free licence and full and absolute power and authority,

That he, the said Henry Earl of Shelburne, his heirs and assigns, shall and may for ever hereafter

Appendix (A.)

Kerry.

Manor of Dunkerron.

hereafter have, receive, perceive, seize, enjoy, and to his and their own proper uses convert all waifs, strays, felons' goods, goods of fugitives, and *feloes de se* and deodands whatsoever, happening and arising within the said manor of Dunkieron, without yielding any account to us, our heirs and successors, for the same, and that without the disturbance, molestation, impediment or grievance of us, our heirs or successors, or of the justices, escheators, sheriffs, bailiffs and other officers and ministers of us, our heirs or successors.

And further, of our special grace, certain knowledge and mere motion, by and with the advice and consent aforesaid, and according to the tenor of our aforesaid letters, we do by these presents, for us, our heirs and successors, grant unto the said Henry Earl of Shelburne, his heirs and assigns,

That these, our letters patent, or the enrolment thereof, shall be in all things firm, good, valid, sufficient and effectual in the law against us, our heirs and successors, as well in all our courts within our said realm of Ireland, as elsewhere wheresoever, according to the purport and tenor of our said aforesaid letters, without any other or further grant, licence or confirmation from us, our heirs or successors, by the said Henry Earl of Shelburne, his heirs or assigns, to be had, procured or obtained:

And also, that these, our letters patent, and all and singular the articles and clauses therein contained and specified, as well in sense, intention and meaning as in words, shall be construed and interpreted to the best advantage, benefit and behoof of him, the said Henry Earl of Shelburne, his heirs and assigns, as well in all the courts of us, our heirs and successors, within our said realm of Ireland, as elsewhere wheresoever, according to the purport, true intent and meaning of our said letters, without any objection or exception whatsoever, notwithstanding the not naming or ill naming, ill reciting or not reciting in these presents, the premises or any part or parcel thereof, or the county, barony, parish or place wherein the premises, or any part thereof, do lie; and notwithstanding that of the name of the farmers, tenants, occupiers or former proprietors of the premises, or any part thereof, there is not any true or certain mention made in these our letters patent, and notwithstanding any defects in the certainty, computation or declaration of the true yearly value or quantity of the premises, or any part thereof; or in not naming or not reciting the nature, kind, quality or quantity of the premises, or any part thereof; and notwithstanding any statute, act, ordinance, provision or restriction, or any other cause, matter or defect whatsoever, to the enervation, evacuation or annihilation of these our letters patent.

Provided alway, that these our letters patent be enrolled in the rolls of our High Court of Chancery in our said kingdom of Ireland, within the space of six months next ensuing the date of these presents, although no express mention, &c. any statute, &c.

In witness whereof, we have caused these our letters to be made patent: witness our aforesaid justices-general and general governors of our said kingdom of Ireland, at Dublin, the 20th day of July, in the seventh year of our reign.

Irrott decimo octavo die Januar. anno R. Rs. Georgii octavo.

M. Paterson, Fras. Perry, D. Clks. and Keepers of the Rolls.

Manor of Killorglan.

Manor of Killorglan.

The patent was granted on the 10th day of October, in the 11th year of the reign of his Majesty James I., to Jenkin Conway and his heirs and assigns, with power to hold one manor court within said manor before a seneschal, whose jurisdiction should extend over the following places; viz., the castles and towns of Killorglan alias Killorgline, Knockylyne, Tulligbeg, Tulligmore, Gortiloage, Clounmerry, Lahkawnemuchy and Oughermouran, Rineamohea and Cromane, Dromabally, Styelkeale, Cloghansieghe, Oarlinaah, Glane-I-Keardie, Gortgarrye, Clouncuneragh, Acratracrehine, Gortinhallimore, Powle-I-Keaghligher and Gortmore, Farrenty, Mackine, Inish-I-claine, Gort-I-learny, Gort-I-moantine, Cappaghorlen, Gortnytubbred, Maylis, Gort-I-leynan, Gortinclassie and Gortgeara, Farrenclohie, Powlenycaple, Bansheghimore, Gort-I-clarishorie and Gortiganness, the abbey, priory and site of Innisfallen, and the townlands of Coarchimore, all in the said county of Kerry.

Coarchimore is the most distant from Killorglin (about 26 miles), but never was any person thence brought to the court. Innisfallen is about 10 miles, and has no inhabitants. The most distant of remaining is about four miles.

The jurisdiction of the court extends to try all manner of debts, covenants, trespass and other causes, which in debts or damages do not exceed the sum of 40*s.* of the current money of England, and recovered by a decree of court by distress and sale of goods; but it has no power of imprisonment.

It holds eight courts yearly, and since December 1833 none was adjourned.

The number of cases entered, 270; tried, 266; and four settled. Eighteen appeals returned; three only tried, and were affirmed.

Seneschal's fees 5*s.* 10*d.* for each order.

The chief revenue of this court arose from the processes served, which is 1*s.* 8*d.* each for the signature. Several hundreds were yearly settled by parties, consequently I could account for no more than I received to enter.

The amount of costs attending entries during that period is 78*l.* 6*s.* 4*d.*; and no sum recovered ever exceeded the extent of the patent.

I have no profession save that of seneschal of this court.

P. M'Kenna, Seneschal.

MANOR OF O'DORNEY.

PATENT granted by Charles I., the 4th day of April in the 13th year of his reign, to Pierce Crosbie, soldier and baron, for the recovery of debts by distress, amounting to 40*s.* British, and not over.

Said power transferred and assigned by the representatives of said Pierce Crosbie on Thomas Rice, the now existing seneschal, the 26th day of September 1832.

Costs of decrees and dismisses issued from said court 5*s.* 6*d.* each; said decrees and dismisses executed (by a special bailiff appointed by the seneschal) against the goods of the parties, without further costs.

Jurisdiction of patent over the following lands; to wit, O'Dorney, with its buildings and lands, together with the mill and watercourse of the same; also the lands of Clahan Rourk, Droumcunny, Gemini, Ballyishun, Boaherroe, Lackymore, Lacybeg, Clounamealig and Ballybroman; and also the rectorship of the church or chapel of O'Dorney and the rectorship of the church or chapel of Mullahiff, with their appurtenances.

The farthest distance from the said court to the remotest jurisdiction, 12 miles.

Seventeen courts held throughout the year, commencing from 1st of January to 31st December.

All cases tried by a regular jury, sworn before the seneschal.

COPY of the Proceedings of the Court, commencing the 10th day of January 1834, with a Return of the Summonses issued from the said Court, and every Court after, at the head of each Court-day.

	£.	s.	d.
Summonses issued, 15, at 1*s.* each	–	15	–
1.—An action for hire promised; decreed for 2*s.* 6*d.* with costs. Costs	–	5	6
2.—An action for score-ground; decreed for 1*l.* 4*s.* 3*d.* with costs. Costs	–	5	6

Second Court, January 31, 1834.

Summonses issued, 35	1	15	–
1.—An action for potatoes, sold and delivered; decreed for 11*s.* with costs. Costs	–	5	6
2.—An action for 1*l.* 19*s.* due by note; decreed with costs. Costs	–	5	6
3.—An action for turf, sold and delivered. Adjourned by consent of parties till next court.			
4.—An action for 2*s.* 6*d.* due for a bog-spit, lent by plaintiff to defendant; decreed for 9*d.* Costs of petty debt	–	2	6

Third Court, February 21, 1834.

Summonses issued, 22	1	2	–
1.—An action for 1*l.*, cash paid by plaintiff to defendant in his wrong; decreed with costs. Costs	–	5	6
2.—An action for 1*l.* 16*s.* sterling, 1*l.* 6*s.* thereof due for a pig, and 10*s.* remainder of the price of a cow; decreed for 1*l.* 16*s.* with costs. Costs	–	5	6
3.—An action for 6*s.* 7*d.* remainder due for hire promised; decreed with costs. Costs	–	5	6
4.—An action for 17*s.* 6*d.*, due for turf. Case adjourned from last court. Decreed with costs. Costs	–	5	6

Fourth Court, March 14, 1834.

Summonses issued, 15 (no entries)	–	15	–

Fifth Court, April 4, 1834.

Summonses issued, 18	–	18	–
1.—An action for 10*s.*, due for score-ground; dismissed. Costs	–	5	6
2.—An action for smith's work; decreed for 5*s.* 10½*d.* with costs. Costs	–	5	6
3.—An action for 1*l.* 0*s.* 6*d.*, due by note. Adjourned by consent until 25th instant.			

Sixth Court, April 25, 1834.

Summonses issued, 41	2	1	–
1.—An action for potatoes, sold and delivered; decreed for 1*l.* 19*s.* with costs. Costs	–	5	6
2.—An action for 6*s.* 10½*d.*, due for potatoes, sold and delivered; decreed for 6*s.* 10½*d.* with costs. Costs	–	5	6
3.—An action for 1*l.* 1*s.*, due for potatoes and herrings; decreed for 7*s.* 9*d.* with costs. Costs	–	5	6
4.—An action for 2*l.*, cash lent; decreed for 2*l.* with costs. Costs	–	5	6
5.—An action for 18*s.* 6*d.*, cash lent; decreed for 17*s.* 6*d.* with costs. Costs	–	5	6

Appendix (A.)

KERRY.

Manor of O'Dorney.

	£.	s.	d.
Seventh Court, May 16, 1834.			
Summonses issued, 19		19	–
1.—An action for 1 *l.*, cash lent; decreed for 1 *l.* with costs. Costs		5	6
2.—An action for turf sold and delivered; decreed for 1 *s.* with costs. Costs		5	6
3.—An action for 1 *l.* 10 *s.* wages. Adjourned by consent until the 6th of June. Entry paid		1	–
4.—An action for 1 *l.* 17 *s.* 3½ *d.*, due by book account; decreed for 1 *l.* 17 *s.* 3½ *d.* with costs. Costs		5	6
5.—An action for 1 *l.* 6 *s.* 2 *d.*, due for the grazing of cows; decreed for 1 *l.* 6 *s.* 2 *d.* with costs. Costs		5	6
6.—An action for 1 *l.*, due for wheat sold and delivered; decreed for 1 *l.* with costs. Costs		5	6
Eighth Court, June 6, 1834.			
Summonses issued, 14		14	–
1.—An action for 16 *s.* sterling, 15 *s.* thereof due for trespass, promised, and 1 *s.* valuator's fee; decreed for 16 *s.* with costs. Costs		5	6
2.—An action for 2 *l.*, loss and damage in not fulfilling a certain contract; dismissed. Costs		5	6
3.—An action for 1 *l.*, loss and damage by over-stock; decreed for 2 *s.* 6 *d.* Costs		5	6
4.—An action for trespass; left subject to award. Entry paid		1	–
5.—An action for 2 *l.*, loss and damage, for overholding a certain moiety of ground; dismissed with costs. Costs		5	6
Ninth Court, June 27, 1834.			
Summonses issued, 12		12	–
1.—An action for 10 *s.*, due for turf; decreed for 3 *s.* with costs. Costs		5	6
Tenth Court, July 18, 1834.			
Summonses issued, 17		17	–
1.—An action for 9 *s.* 6 *d.*, cash paid for defendant's use and account; dismissed with costs. Costs		5	6
2.—An action for 10 *s.*, being the value of a pig killed by defendant; dismissed with costs. Costs		5	6
3.—An action for 2 *l.*, trespass and fee; agreed. Entry paid		1	–
Eleventh Court, August 8, 1834.			
Summonses issued, 14		14	–
1.—An action for 15 *s.*, the value of crops with valuator's fee; decreed for 1 *d.* with costs. Costs		5	6
Twelfth Court, August 28, 1834.			
Summonses issued, 14		14	–
Thirteenth Court, September 19, 1834.			
Summonses issued, 13		13	–
1.—An action for 1 *l.* 1 *s.* sterling, due for trespass, with valuator's fee; decreed for 3 *s.* with costs. Costs		5	6
2.—An action for 6 *s.* 10 *d.*, due for trespass, with valuator's fee; decreed for 3 *s.* 5 *d.* with costs. Costs		5	6
Fourteenth Court, October 10, 1834.			
Summonses issued, 7		7	–
1.—An action for 8 *s.*, due for hire; decreed for 8 *s.* with costs. Costs		5	6
2.—An action for 3 *s.* 9 *d.*, trespass and fee; agreed. Entry paid		1	–
Fifteenth Court, October 31, 1834.			
Summonses issued, 42	2	2	–
1.—An action for 2 *l.* sterling, for the violation of a certain contract between landlord and tenant; decreed for 6 *d.* with costs. Costs		5	6
2.—An action for 13 *s.*, due for a crop of potatoes, besides valuator's fee; decreed for 6 *d.* with costs. Costs		5	6
Sixteenth Court, November 21, 1834.			
Summonses issued, 13 (no entries)		13	–
Seventeenth Court, December 12, 1834.			
Summonses issued, 14		14	–
1.—An action for 15 *s.*, for score-ground; dismissed with costs. Costs		5	6
First year, ending December 1834	£. 25	18	–

	£.	s.	d.
First Court, January 2, 1835.			
Summonses issued, 16 (no entries)	–	16	–
Second Court, January 23, 1835.			
Summonses issued, 13	–	13	–
1.—An action for 1 *l.* 6*s.*, due for a swap or boot between plaintiff's horse and defendant's cow; decreed for 1 *l.* 5 *s.* with costs. Costs	–	5	6
Third Court, February 13, 1835.			
Summonses issued, 20	1	–	–
1.—An action for 12*s.*, due for pigs sold and delivered; decreed for 12*s.* with costs. Costs	–	5	6
2.—An action for 7*s.* 6*d.*, due for hire; dismissed. Costs	–	5	6
Fourth Court, March 4, 1835.			
Summonses issued, 10 (no entries)	–	10	–
Fifth Court, March 27, 1835.			
Summonses issued, 10 (no entries)	–	10	–
Sixth Court, April 17, 1835.			
Summonses issued, 12	–	12	–
1.—An action for the cost of processes; decreed for 3*s.* 6*d.* with costs. Costs	–	5	6
2.—An action for 1 *l.* 15*s.* 9*d.*, due for hire and trespass; decreed for 14*s.* 3*d.* with costs. Costs	–	5	6
3.—An action for 2 *l.*, due for potatoes; left open until next court by consent. Entry paid	–	1	–
4.—An action for 2 *l.*, cash paid for defendant's use and account; dismissed with costs. Costs	–	5	6
5.—An action for 5*s.* 6*d.*, due for potatoes; left open until next court by consent. Entry paid	–	1	–
Seventh Court, May 8, 1835.			
Summonses issued, 18	–	18	–
1.—An action for 11*s.*, the amount of a bill of trespass lodged with a pound-keeper; decreed for 6*s.* with costs. Costs	–	5	6
2.—An action for 2 *l.*, cash paid by plaintiff in his wrong; decreed for 2 *l.* with costs. Costs	–	5	6
Eighth Court, May 29, 1835.			
Summonses issued, 29	1	9	–
1.—An action for 1 *l.* 8*s.*, for trespass of goats on apple-trees; decreed for 12*s.* 6*d.* besides costs. Costs	–	5	6
2.—An action for 14*s.*, due for hire; case left open by consent until next court. Entry paid	–	1	–
3.—An action for 10*s.*, due for hay; decreed for 10*s.* with costs. Costs	–	5	6
Ninth Court, June 19, 1835.			
Summonses issued, 20	1	–	–
1.—An action for 5*s.*, due for bog; decreed for 5*s.* with costs. Costs	–	5	6
2.—An action for 6*s.* 7½*d.*, cash paid for defendant's use and account; left open till next court. Entry paid	–	1	–
Tenth Court, July 31, 1835.			
Summonses issued, 9	–	9	–
1.—An action for 13*s.* 6*d.*, due for the use and occupation of a house and garden; decreed for 13*s.* 6*d.* with costs. Costs	–	5	6
2.—An action for 2 *l.*, due by I. O. U.; decreed for 2 *l.* with costs. Costs	–	5	6
3.—An action for 1 *l.* 13*s.*, loss and damage sustained in consequence of cutting plaintiff's bog; decreed for 1*s.* with costs. Costs	–	5	6
4.—An action for 1 *l.* 15*s.* 10*d.*, due for the use and occupation of a house, part for sand and part for hire; decreed for 6*s.* with costs. Costs	–	5	6
5.—An action for 1 *l.* 6*s.*, part for pigs and part for score-ground; left open by consent until next court. Entry paid	–	1	–

Appendix (A.)

KERRY.

Manor of O'Dorney.

	£.	s.	d.
Eleventh Court, August 21, 1835.			
Summonses issued, 11		11	
1.—An action for 1 *l.* 19*s.*, remainder due of the price of a horse, &c.; decreed for 8*s.* with costs. Costs		5	6
2.—An action for 1 *l.* 2*s.* 9*d.*, due for hire earned and merited; decreed for 2*s.* with costs. Costs		5	6
3.—An action for 6*s.*, due for seaweed sold and delivered; adjourned by consent. Entry paid		1	
Twelfth Court, Sept. 11, 1835.			
Summonses issued, 21 (no entries)	1	1	
Thirteenth Court, October 12, 1835.			
Summonses issued, 9		9	
1.—An action for 8*s.*, due for trespass; decreed for 7*s.* besides costs. Costs		5	6
2.—An action for 1 *l.* 5*s.*, due for trespass on plaintiff's meadow; decreed for 7*s.* with costs. Costs		5	6
3.—An action for 14*s.*, due for meat sold and delivered; left open until next court by consent. Entry paid		1	
Fourteenth Court, October 30, 1835.			
Summonses issued, 4		4	
1.—An action for 1 *l.* 18*s.* 6*d.*, due for trespass and damage; decreed for 7*s.* with costs. Costs		5	6
Fifteenth Court, November 20, 1835.			
Summonses issued, 6		6	
1.—An action for 11*s.*, trespass and approver's fee; decreed for 5*s.* with costs. Costs		5	6
Sixteenth Court, December 11, 1835.			
Summonses issued, 23	1	3	
1.—An action for 16*s.*, due for score-ground; agreed. Entry paid		1	
2.—An action for 17*s.* 6*d.*, due for a pig and hire; dismissed with costs. Costs		5	6
3.—An action for 6*s.*, 5*s.* thereof loss and damage sustained by plaintiff, by reason of defendant's impounding his pig contrary to the late regulation, and the remaining 1*s.* valuator's fee for inspecting fences; dismissed with costs. Costs		5	6
4.—An action for 11*s.* 6*d.*, due for trespass on potatoes, and fee; decreed for 6*s.* with costs. (This decree appealed to and reversed, in consequence of introducing the father's name with the son.) Costs		5	6
5.—An action for 8*s.* 9*d.*, trespass and fee; decreed for 8*s.* 9*d.*, with costs. (This case appealed to and reversed in consequence of introducing the son's name with the father.) Costs		5	6
6.—An action for 1 *l.* 5*s.*, being the amount of a bill of trespass, for which defendant impounded several cows in defendant's pound, which he enlarged contrary to consent; decreed for 1 *l.* with costs. Costs		5	6
7.—An action for 9*s.* 4*d.*, being the amount of a bill of trespass against defendant; dismissed with costs. Costs		5	6
8.—An action for 7*s.*, trespass and approver's fee; agreed. Entry paid		1	
Seventeenth Court, January 1, 1836.			
Summonses issued, 17		17	
1.—An action for 1 *l.*, being the value of a sheep impounded on defendant's ground, which he refused returning; decreed for 10*s.* with costs. Costs		5	6
2.—An action for 1 *l.* 19*s.* 11*d.*, due for the use and occupation of a part of the lands of Ballyishun; dismissed with costs. Costs		5	6
Ending second year, namely 1835	£. 20	16	6
First Court, January 22, 1836.			
Summonses issued, 11		11	
Second Court, February 12, 1836.			
Summonses issued, 11		11	
1.—An action for 12*s.* 6*d.*, due for the grazing of a collup on the lands of Tourun; decreed for 12*s.* 6*d.* with costs. Costs		5	6
2.—An action for 2*s.*, for hire and approver's fee; dismissed with costs. Costs		2	6
Third Court, March 4, 1836.			
Summonses issued, 12		12	
1.—An action for 2 *l.*, for trespass on plaintiff's potatoes and grass; decreed for 10*s.* with costs. Costs		5	

Fourth Court, March 25, 1836.	£.	s.	d.
Summonses issued, 2		2	–
1.—An action for wages and cash; decreed for 7*s.* 10*d.* with costs. Costs		5	6
2.—An action for 3*s.* 6*d.*, due for the cost of processes; decreed with costs. Costs		5	6
Fifth Court, April 15, 1836.			
Summonses issued, 11		11	–
1.—An action for 1*l.* 0*s.* 9*d.*, due by account, which defendant promised to pay; decreed for 1*l.* 0*s.* 5½*d.* with costs. Costs		5	6
Sixth Court, May 6, 1836.			
Summonses issued, 8		8	–
1.—An action for 10*s.*, due for hire earned and merited; decreed for 10*s.* 6*d.* with costs. Costs		5	6
2.—An action for 1*l.* 5*s.*, due for the use and occupation of a house and garden; dismissed with costs. Costs		5	6
3.—An action for 10*s.*, for the grazing of defendant's goat; dismissed with costs. Costs		5	6
4.—An action for trespass, committed on plaintiff's bog; dismissed with costs. Costs		5	6
Seventh Court, May 27, 1836.			
Summonses issued, 11		11	–
1.—An action for 1*l.* 9*s.*, due for hay sold and delivered; decreed for 1*l.* 9*s.* with costs. Costs		5	6
Eighth Court.			
Summonses issued, 7		7	–
1.—An action for 7*s.* 6*d.*, due for horse-hire earned and merited; agreed. Entry paid		1	–
2.—An action for 3*s.* 6*d.*, the cost of processes; decreed for 3*s.* 6*d.* with costs. Costs		5	6
3.—An action for 2*s.* due for a spade sold and delivered; decreed with costs. Costs		2	6
Ninth Court, July 29, 1836.			
Summonses issued, 8		8	–
1.—An action for 1*l.* 19*s.* 6*d.*, loss and damage sustained by the plaintiff by reason of the defendant's not fulfilling a certain contract; dismissed with costs. Costs		5	6
Tenth Court, August 19, 1836.			
Summonses issued, 7		7	–
1.—An action for 15*s.*, due for the use and occupation of a house and garden; agreed. Entry paid		1	–
2.—An action for 18*s.*, remainder of the price of a cart and tackling; decreed for 16*s.* with costs. Costs		5	6
Eleventh Court, September 9, 1836.			
Summonses issued, 9		9	–
1.—An action for 1*l.* 10*s.* 5*d.*, cash paid for defendant's use and account; decreed for 1*l.* 10*s.* with costs. Costs		5	6
2.—An action for 2*l.* due for hire earned and merited; decreed for 10*s.* with costs. Costs		5	6
Twelfth Court, September 30, 1836.			
Summonses issued, 5		5	–
1.—An action for 14*s.*, due for trespass and approver's fee; decreed for 14*s.* with a stay of execution until the 21st of October. Costs		5	6
Thirteenth Court, October 21, 1836.			
Summonses issued, 20	1	–	–
1.—An action for 1*l.* 2*s.*, trespass and approver's fee; decreed for 5*s.* 6*d.* with costs. Costs		5	6
2.—An action for 13*s.* 6*d.*, due for bog sold and delivered; decreed for 13*s.* 6*d.* with costs. Costs		5	6
Fourteenth Court, November 11, 1836.			
Summonses issued, 12		12	–
1.—An action for 4*s.* 4*d.*, trespass and fee; decreed for 1*s.* with costs. Costs		5	6
2.—An action for 8*s.* 8*d.*, due for trespass and fee; decreed for 2*s.* with costs. Costs		5	6
3.—An action for 1*l.* 3*s.*, due for meat sold and delivered; decreed for 1*l.* 2*s.* 8*d.* with costs. Costs		5	6
4.—An action for 1*l.* 1*s.*, trespass and fee; decreed for 2*s.* with costs. Costs		5	6

Appendix (A.)

KERRY.

Manor of O'Dorney.

	£.	s.	d.
Fifteenth Court, December 2, 1836.			
Summonses issued, 11		11	
1.—An action for 2 *l.*, trespass and damage committed by defendant's pig on plaintiff's butter and cream; decreed for 15 *s.* with costs. Costs		5	6
2.—An action for 16 *s.*, due for potatoes sold and delivered; decreed for 7 *s.* with costs. Costs		5	6
3.—An action for 7 *s.* 8 *d.*, trespass and fee; dismissed with costs. Costs		5	6
4.—An action for 2 *l.*, trespass and fee on plaintiff's potatoes; decreed for 10 *s.* with costs. Costs		5	6
Sixteenth Court, December 23, 1836.			
Summonses issued, 14		14	
1.—An action for 9 *s.* 8 *d.*, trespass and fee; decreed for 4 *s.* with costs. Costs		5	6
2.—An action for 4 *s.* 10 *d.*, trespass and fee; decreed for 2 *s.* with costs. Costs		5	6
3.—An action for 19 *s.*, cash paid for defendant's use and account; dismissed with costs. Costs		5	6
Seventeenth Court, January 13, 1837.			
Summonses issued, 14		14	
1.—An action for 6 *s.*, remainder due for bog; case left open by consent. Entry paid		1	
2.—An action for 13 *s.* 4 *d.*, due for the use and occupation of a house and garden; left open by consent. Entry paid		1	
3.—An action for 5 *s.*, due for trespass and fee; decreed for 5 *s.* with costs. Costs		5	6
Ending December 1836	£. 17	3	6

	£.	s.	d.
First Court, February 3, 1837.			
Summonses issued, 27	1	7	
1.—An action for 1 *l.* 2 *s.*, wages earned and merited; decreed for 1 *l.* 2 *s.* with costs. Costs		5	6
2.—An action for 1 *l.* 19 *s.* 11 *d.*, 1 *l.* 17 *s.* thereof due for the grazing of a cow, and the remaining 2 *s.* 11 *d.* due for the entry of a process; decreed for 5 *s.* with costs. Costs		5	6
3.—An action for 10 *s.*, cash lent; dismissed with costs. Costs		5	6
Second Court, February 24, 1837.			
Summonses issued, 11		11	
1.—An action for 1 *l.* 7 *s.*, due for trespass committed on plaintiff's grass; dismissed with costs. Costs		5	6
2.—An action for 3 *s.*, trespass and fee; dismissed with costs. Costs		5	6
3.—An action for 12 *s.*, due for bog sold and delivered; decreed for 9 *s.* with costs. Costs		5	6
Third Court, March 17, 1837.			
Summonses issued, 17		17	
1.—An action for 1 *l.* 1 *s.* 9 *d.*, due for shop goods, for which the defendant passed his I. O. U.; decreed for 1 *l.* 1 *s.* 9 *d.* with costs. Costs		5	6
2.—An action for 1 *l.* 7 *s.*, trespass on plaintiff's ground; decreed for 4 *s.* 6 *d.* with costs. Costs		5	6
3.—An action for 1 *l.* 10 *s.*, loss and damage in consequence of defendant's dogs killing plaintiff's pig; dismissed with costs. Costs		5	6
4.—An action for 15 *s.*, due for the use and occupation of a part of the lands of Ballybroman; decreed for 9 *s.* 6 *d.* with costs. Costs		5	6
5.—An action for 18 *s.* 7 *d.*, due for the use and occupation of a part of the lands of Ballybroman; decreed for 18 *s.* 7 *d.* with costs. Costs		5	6
	£. 5	15	6

Above are the returns of my court, commencing the 10th of January 1834, and ending the 17th of March 1837.

Thomas Rice, Seneschal.

MANORS OF ROSS AND MOLAHIFFE.

1.—RETURN of the Number of Manor Courts now existing in the several Counties of Ireland, specifying the Places over which the Jurisdiction of each Court extends, and the greatest Distance of any Place within such Jurisdiction from the ordinary Place or Places of holding such Court?

The Earl of Kenmare is lord of two manors in the county of Kerry, namely, the manor of Ross, and the manor of Molahiffe.

The manor of Ross extends over a jurisdiction of about six square miles, including the populous town of Killarney. The manor court is held in the court-house of Killarney, and is nearly in the centre of the manor.

The manor of Molahiffe extends over a jurisdiction of about 18 miles in length, and 16 in breadth. This manor includes the parishes of Firies, Ballyhar, part of Aglish, Kilcummin, Knockacoppul, Grieveguilla and Barraduve; for the accommodation of the persons living in this extensive manor, the seneschal has divided it into two districts, and regularly holds a court at the eastern and western ends. The court-houses are about 10 miles distant from each other; and the greatest distance any person has to travel to either court is five miles.

2.—Return of the Dates of Patents or Charters granted to such Courts?

Date of patent, 13 Charles 1.

3.—Return, pointing out the Extent of the Pecuniary Jurisdiction, how it is enforced, and what Description of Cases are tried?

The pecuniary jurisdiction of the manor courts of Ross and Molahiffe does not exceed 40*s.*, and are recoverable by process and decree.

All cases of debt and damage to the above amount are recoverable in each manor court.

4.—Return, pointing out the Extent of their Power with regard to Imprisonment; the Number of Persons imprisoned under their Decree; also, to state whether the Prison be one of a peculiar Jurisdiction; also a Return, stating whether Power of Distress exists, and how levied?

The manor courts of Ross and Molahiffe have no jurisdiction to imprison, therefore there are no prisons. When distress is made, it is by virtue of a decree issued out of the manor court, after process has been duly served, and the case tried before the jury.

5.—Return of the Number of Courts held in each year, beginning from 31st December 1833?

The number of courts held in the manor of Ross, from 31st December 1833 to 31st December 1834, seven courts; from 31st December 1834 to 31st December 1835, six courts; from 31st December 1835 to 31st December 1836, seven courts; from 31st December 1836 to 1st April 1837, two courts.

The number of courts held in eastern division of Molahiffe, from 31st December 1833 to 31st December 1834, seven courts; from 31st December 1834 to 31st December 1835, seven courts; from 31st December 1835 to 31st December 1836, seven courts; from 31st December 1836 to 1st April 1837, two courts.

The number of courts held in western division of Molahiffe, from 31st December 1833 to 31st December 1834, seven courts; from 31st December 1834 to 31st December 1835, seven courts; from 31st December 1835 to 31st December 1836, seven courts; from 31st December 1836 to 1st April 1837, two courts.

6.—The Number of Courts adjourned for want of Jurors, or other Causes?

One court adjourned in Killarney from December 1833 to April 1837, for want of business.

One court adjourned at eastern division of Molahiffe in consequence of the assizes going on at the time (last month), March 1837.

One court adjourned at Killarney at the same time, and for the same cause.

No court ever adjourned in either manor for want of sufficient jurors.

7.—The Number of Cases entered for Trial?

The number entered for trial in the manor of Ross, from 31st December 1833 to 1st April 1837 was 237 cases.

The number entered for eastern division of Molahiffe for same period was 365 cases.

The number of cases entered for trial at the western division of Molahiffe for same period was 440 cases.

Making a total of 1,042 for the two manors, and three courts held in the two manors.

8.—The Number of Cases tried from 31st December 1833 to 1st April 1837?

The number of cases tried at the manor court of Ross from 31st December 1833 to 1st April 1837, 212.

Eastern division Molahiffe, same period, 320.

Western division of Molahiffe, 361.

Making a total in both manors, from 31st December 1833 to 1st April 1837, of 893.

9.—The Number of Appeals from Decrees, stating how many were tried, and how many Decrees reversed?

The number of appeals returned from the three courts every assizes might amount to about six; of these generally four were affirmed. I could not positively state exactly the number, as many persons lodge an appeal merely to gain time, who never go to the assizes, but pay the amount when the judge enters the county.

Appendix (A.)

KERRY.

Manors of Ross and Molahiffe.

10.—Return of Fees charged, the Sums recovered, and the Amount of Costs during same Period?

The only fees charged are those allowed by the Act of Parliament regulating manor courts. The entire cost of process, service, entry and decree, is 5*s.* 11*d.*, and 6*d.* for renewal, when required; and the legal charge for executing a decree, 6*d.* under 20*s.*, and 1*s.* when over that sum.

11.—Return of such Courts, the Seneschal or Steward of which are Members of any and what Legal Profession, or Justices of the Peace?

The seneschal for the manors of Ross and Molahiffe has been a justice of the peace for the county of Kerry since 1808.

The above is a correct statement, to the best of my power and judgment.

John Murphy, Seneschal.

KILDARE.

COUNTY OF KILDARE.

No Manor Courts.

KILKENNY.

Manor of Ballyraggett.

COUNTY OF KILKENNY.

MANOR OF BALLYRAGGETT.

1. Date of Patent.	2. Places over which the Jurisdiction of the Court extends.	3. The greatest Distance from the ordinary Place of holding the Court.	4. Extent of Pecuniary Jurisdiction.	5. How it is enforced.	6. Description of Cases Tried.	7. Power of Imprisonment, and Number of Persons imprisoned.	8. Power of Distress, and how levied.
The 9th of January, in the 19th year of the reign of James the 1st.	- - Ballyraggett, Donoughmore, Ballimalime, Ballinamuddagh, Rathduffbeg, Rathduffmore, Tullagbare, Scraleigh, Cowleballymartin, Ballymartin, Connegarbey, Ballynalacken, Ballynvally, Killorony, Glannagappane, Keleermorke, Fennanbeg, Fennanmore, Horestownlea, Kilmenaneythtragh, Crompstown, Cowlemoetroney, Clinstown, Knockroe, Damerstown, Disertoloskane, Glanmagowe, Fireodagh, Killinamnygowe, Knockorley, Aghnymanribaty, Munnynefoiushouge, Knockiresillogh, Derrinifarrise, Aguelackinreyney, Dromaghdower, Cowlebealoghleoiskil, Disertnamihall, Farrinepaddy, Skeaghanaghduff, Knockanadogue, Aghtire, Bealaconra, Milltowne, Rathlongill, Seskin, Cultyogue, Parksgrove, Auchorett's Island, Moyhoira, and part of Rathnisealy.	Nine miles	£. 6 sterling.	- - By process and decree against goods only.	Assumpsit	- - No power of imprisonment, and of course no person imprisoned. No prison.	- - By attachment against goods, and notice to defendant to appear at the next court to be held; and if debt be proved, a decree against the goods under attachment.

9. Number of Courts held each Year.	10. Number of Courts adjourned.	11. Number of Cases entered for Trial.	12. Number of Cases Tried.	13. Number of Appeals from Decrees.	14. Return of Fees charged.	15. Return of Sums recovered.	16. Amount of Costs.	17. Legal Profession of Seneschal.
					s. d.	*£. s. d.*	*£. s. d.*	
1834 - 15	1834 - 2	1834, 156	1834, 148	No appeal.	Process 1 –	1834 - 196 11 4	1834 - 34 2 –	Of no legal profession, or justice of the peace.
1835 - 13	1835 - 4	1835, 142	1835, 131		Entry - 1 –	1835 - 172 18 11½	1835 - 30 11 6	
1836 - 16	1836 - 1	1836, 191	1836, 176		Decree 2 6	1836 - 193 14 10½	1836 - 41 2 –	
						£. 563 5 2	£. 105 15 6	

William Phelan, Seneschal.

Manor Court, Castlecomer.

1. Name of Place where Manor Court is held.	2. Names of Townlands in the Manor of Castlecomer.	3. Distances from the Town of Castlecomer, the Place in which Court is held, it being nearly Central.	4. Date of Patent or Charter, granted for holding Manor Court at Castlecomer.	5. Extent of Pecuniary Jurisdiction.	6. How enforced.	7. What description of Cases are Tried.	8. Extent of Power with regard to Imprisonment.	9. Number of Persons Imprisoned.	10. If a Prison of Peculiar Jurisdiction.	11. A Return, stating whether the Power of Distress exists, and how it is Levied.	12. Number of Courts in each Year, beginning from 31st Dec. 1833.
Manor Court held in the Town of Castlecomer.	Ahamucky -	1 mile	- Patent or charter granted to Christopher Wandesforde, esq., his heirs and assigns, for ever, of the whole manor of Castlecomer, by patent or charter, dated 10th September, in the 15th year of the reign of King Charles the First.	40 *s.*	- - By decree of manor court.	- - All simple-contract debts.	- - No authority to imprison.	None	- - No prison.	- - It does exist, and is levied by decree of court.	- - 12 courts, from the 31st December 1833 to the 31st December 1834. 14 courts held from the 31st December 1834 to the 31st December 1835. 13 courts held from the 31st December 1835 to 31st December 1836.
	Ardra - -	2 –									
	Ballycoma -	1 –									
	Ballyhemon -	1 –									
	Clohoge -	– ¼ –									
	Cloneen -	3 ½ –									
	Coolbane -	1 –									
	Coolnaleen -	4 –									
	Crutt - -	5 –									
	Cruttenclough	5 –									
	Disert - -	1 –									
	Donagile -	2 –									
	Kill - -	5 –									
	Knocknadoge	2 –									
	Lowan - -	3 –									
	Moyhora -	3 –									
	Moneemoe -	3 –									
	Skehana -	4 –									
	Smythstown -	2 –									
	Tourtane -	5 –									
	Uskerty -	3 –									

13. Number of Courts adjourned for Non-attendance of Jurors, or other Causes.	14. Number of Processes Issued.	15. Number of Cases entered for Trial.	16. Number of Cases Tried.	17. Number of Appeals from Decrees, stating how many were Tried, and how many were Reversed in each Year.	18. Return of Fees Charged.	19. Sums Recovered.	20. Amount of Costs during same Period.	21. Return of such Courts, the Seneschals or Stewards of which are Members of any and what Legal Profession or Justices of the Peace.
1834: No adjournment took place for non-attendance of jurors. Four adjournments this year in consequence of quarter sessions interfering.	Year. 1834 - 579	Year. 1834 - 216	Year. 1834 - 172	1834: Two appeals lodged, but were not brought to assizes. No reversals.	Issuing process 1 1 1 6 | 5 6 Process servers 1 1 1 2 | - - Entering process . . . . | . . Raising decree . . . . | . . Total - . .	Year 1834: £. 138 10 11	Year 1834: £. 30 1 –	The Seneschal or steward of the manor of Castlecomer is not a member of the profession of the law, and is not a justice of the peace.
1835: No adjournment took place for non-attendance of jurors. Three adjournments this year in consequence of quarter sessions interfering.	1835 - 769	1835 - 303	1835 - 263	1835: Five appeals lodged in this year, but were not brought to assizes. No reversals.		Year 1835: £. 174 2 8 ½	Year 1835: £. 38 14 1	
1836: No adjournment took place for non-attendance of jurors. Three adjournments in consequence of quarter sessions interfering.	1836 - 894	1836 - 286	1836 - 248	1836: Eleven appeals lodged in this year. Four re-reversed.		Year 1836: £. 182 9 1 ½	Year 1836: £. 41 11 7 ½	

John Hewetson, Seneschal,
Manor of Castlecomer.

MANOR COURTS over which *Humphrey Semple* has been appointed Seneschal.

Manor Courts.	Places over which the Jurisdiction of each Court extends, and the greatest Distance of any Place within such Jurisdiction from the ordinary Place or Places of holding such Courts.						Date of Patents or Charters.	Pecuniary Jurisdiction.	How Enforced.	Description of Cases Tried.	Power with regard to Imprisonment.
	Townlands.	Distance.	Townlands.	Distance.	Townlands.	Distance.					
CALLAN	Killaloe Atthetynoe Newtown Town of Callan Ballyline Mollyinemoany Maugstown Physicianstown	– – – – – 5 – –	Rathculbin Cappahedin Tennekelly Loughowly Maylardstown Killamery Whitesland Ballaghtobin	– – – – – – – –	Graiguly Rosmore Ahenure Corbally West Court Ballyclovane Cooligmore Grangehillahenny	– – – – – – – –	5 Nov. 1526, 18 Hen. 8.	In cases of debt not exceeding 9*l.* 4*s.* 7½*d.* Trover, trespass, &c. 4*l.* 12*s.* 3¾*d.*	Under decree of seneschal.	Simple contract debts, trover and trespass.	none
DANESFORT	Bodalmore Ovenstown Dunfart Ballyreddin Anamolt Bennett's Bridge Cottrellsrath	– 4 – – – – –	Rosdamagh Ballyda Ballyledine Bathclough Grange Goslinstown Grange Tullehany	– – – – – – –	Dandavine Slanesland Croan Dundereirke Pigeon Park Shoughatorish Maiden Hall	– – – – – – –	23 Oct. 1537, 29 Hen. 8.	ditto	ditto	ditto	none
KNOCKTOPHER	Adjacent Townes Two Red Acres Ashtowne, Aghaviller Ballymagulligill Ballynony Ballintlea, Ballygum Ballynekill Ballylaskey Ballygreeke Ballynmacke Ballynecully Ballyhenine Ballintobber Ballyknockbeg Ballyrubbock Ballygrushin Ballybregan Ballyknockmore Ballynamabagh Ballyglasse Ballynloskin Barrandowne Barownstowne Ballycardry Ballyhoody Ballybooden	– – – 6 –	Barretstowne Ballyconnor Ballylonry Ballydowan Ballyhoyle Ballytrasney Coolnemode Corbehy, Clashanure Condonstowne Cronibeg Cottrellsbuoly Cappahenson Cooleroe, Coolenha Crobally Cashell Gaming Darbiestown Dereleagh, Deansrath Two Derrenchensies Derrelackagh Earlsrath Glaudonnell Garrandarroge Garvagh, Glanpip Harristowne Inchen Charren Jerpoint, Killandree	– –	Kilbecan, Killahy Killeagh, Knockmore Knockmulgin Kilkeasy Keatingstowne Killmoge, Kilkearhill Kilcolomb Knocktopher Kilvenoge Kilturkin, Kilkenady Lismactigue Munsaile Courte Monhanree Mucully Miltowne Millodstowne Newcastle Oldtowne Rashenan Rathtooterne Smithstowne Scart Smithstowne, Little Scartdufe Sheepstowne Waltonsgrove	– –	ditto	ditto	ditto	ditto	none
GOURAN	Aghcultane Ballyquirk Bramblestown Ballyshanemore Butler's Grove Blansfields Kill Ballygrifin Ballylinch Carrigeen, Clohasty Castle Kealy Castle Ellis Conyger Curragh Lahan Coragh Cahan Dunbill, Dromore	– – – – – – – 8 – – – – – – –	Garrytibbott Gurteen, Gouran Garrydufe, Graig Garranaheny Haggardstreet Jackstown Kilmocahill Knockvernon Killure, Killbeg Killderry Kilfane Kilkessy Lisnamunaght Mone Spillane Newhouse	– – – – – – – – – – – – – – –	Newtown Old Jerpoint Orchard Polock Powerstown Rathcash Rathermore Rathburane Shraghgady Skarry Staffordsland Tinnikell Tinhouse Tinnekelly Tomnehany	– – – – – – – – – – – – – – –	ditto	ditto	ditto	ditto	none
KELLS	Ballylinagh Ballinsaggart Bothgraiques Clonemac Shanboy Cottrellsrath, Clone Cassane, Donnemaggin Danganmore	– – – – – – –	Donnemagginmore Grovebeg, Garrythomas Haggard, Kilmacoliver Killenny Kells Kells Grange Lomoge	– – – – – – –	Mealoughmore Monlery, Newchurch Raheen, Rossoneny Shortalstown Seskin, Stonecarty Tullohaught Vyne Grove	– – – – – 7 –	7 July 1573, 15 Eliz.	ditto	ditto	ditto	none
KILMANAGH	Ballycallan, Kilballycallan Ballydowell Kilmanagh, Knockeen Ballykeefe, Kilballykeefe Cooleeshalmore Graige	– – – – – –	Sheepstown, Ballynekill Ballyhendricken Stone House Orchard Brittas Dry Land Killenleigh, Pottlerath Briscallagh	– – – – – –	Ballaghcloneen Garryneconnell Curraghkehee, Killeene Ballyfrunk Shortallsgraigue Damagh	– 5 – – – –	5 Nov. 1526, 18 Hen. 8.	ditto	ditto	ditto	none
DUNMORE	Ballyrafteen, Jenkinstown Skehanna, Graigroe Coolraheen, Mayne Kilmocan, Tomkeany Tower, Rathquoile	– – – – –	Gillanstown Aghatobride Cloghmoylohide Clashaufe Duntrimane	– – – – –	Castlemarkett Coolroe Lowhill Counfeily, Corfunchin Oldtowne, Dunmore	– – 6 – –	7 July 1573, 15 Eliz.	ditto	ditto	ditto	none
ROSBERCON	Ballycomin Garranerod Garranevabogh Ballinverry, Lonnaght	– – – –	Glanballyvally Listerling Curraghmore Garranabehy	– – – –	Rosbercon Tulloher Killmoge Ballyconnon	3½ – – –	23 Oct. 1537, 29 Hen. 8.	ditto	ditto	ditto	none

The Seneschal not being appointed till August 1835, did not commence holding Manor Courts until 28th

- - - - - - - - Manor Courts over which *Humphrey Semple* has been appointed Seneschal.

Number of Persons imprisoned under Decree.	Peculiar Jurisdiction of Prison.	Power of Distress, and how Levied.	Number of Courts held in each Year.	Number of Courts adjourned for Non-attendance of Jurors and other Causes.	Number of Processes issued for Trial.	Number of Cases Entered for Trial.	Number of Cases Tried.	Number of Appeals from Decrees.	Amount of Fees Charged.	Amount of Sums Recovered.	Amount of Costs for same Period.	Seneschal's Profession.
one -	none -	Under seneschal's warrant.	10	none - -	491	214	186	One appeal tried, which was affirmed.	5 *s.* 6 *d.* and no more on each case entered, tried and decreed.	£. *s.* *d.* 362 15 9½	£. *s.* *d.* 83 1 –	Seneschal is not a barrister, attorney, nor a justice of the peace.
one -	none -	ditto -	5	One, in consequence of only one case being entered for trial, which was adjourned by consent until next court-day.	39	11	10	none -	ditto -	7 8 10	5 14 –	
one -	none -	ditto -	9	none - -	261	108	99	none -	ditto -	125 19 5	43 17 6	
none -	none -	ditto -	9	none - -	172	64	62	none -	ditto -	57 2 1	28 3 –	
none -	none -	ditto -	7	none - -	128	56	54	One appeal tried, which was reversed.	ditto -	24 8 9½	22 7 –	
none -	none -	ditto -	6	One, in consequence of the assizes interfering.	72	24	19	none -	ditto -	21 8 6½	10 15 6	
none -	none -	ditto -	9	none - -	261	100	92	none -	ditto -	61 1 6	42 12 –	
none -	none -	ditto -	none	none - -	none	none	none	none -	none -	none -	none.	

December 1835, and consequently this Return only comprehends one year and three months official proceedings.

(signed) *Humphrey Semple*, Seneschal.

Appendix (A.)

KILKENNY.

Manor of Graig.

MANOR OF GRAIG.

I HAVE held no court from 31st December 1833, and am a justice of the peace.

I have, &c.

T. Drummond, Esq. *David Burtchaell.*

Extracts from Patent of the Manor of Graig, relating to Manor Courts.

Patent or charter of Graigedouske alias Dyske, dated 2d of November, in the 13th year of the reign of King Charles the First, and comprises "the whole abbey or monastery of Douske alias Dwiske, with the appurtenances; and also the site, circuit, ambit and precinct of said late monastery, and also all and singular buildings, structures, houses and messuages whatsoever within the circuit, ambit and precinct of said late abbey or monastery; and also a churchyard enclosed, an orchard and a garden, with the appurtenances, in Graigedwiske alias Douske; and also all the towns, villages, hamlets, lands, tenements and hereditaments of Graigedwiske alias Douske, Ouldgrange alias Garavock and Cowlers, and two mills and three eel-weirs on the river Barrow; and also all the towns, villages, hamlets, lands, tenements and hereditaments of Ralimedownesse alias Ralimdownour, Ballyogaur, Thekerlivan alias Teghkirclevan, Achdare Coppouayl, Glancome alias Clagnhowne, Monguetinlawn alias Menylicillawne alias Monetolanekillyne, Uppergrange alias Woodgrange, Acrenemaunayl near Ballycabus, and also the castles, towns, villages, hamlets, lands, tenements and hereditaments of Lawgrange alias William Carraghe's Grange, Ould Abbey alias Shauvainster, near Gurtin, and a mill and eel-weir in and near Shauvainster aforesaid; and all the towns and lands of Downinge alias Grange of Downinge; and also all and singular tithes, alterages, oblations, profits, emoluments and other spiritual profits whatsoever, of all and singular the premises and every parcel thereof, growing, renewing, arising or happening within the several towns, villages, hamlets and lands above mentioned; and also a messuage, with the appurtenances, in the town of Callan, and two tofts, with the appurtenances, in the town of Thomastown, all which premises are situate, lying and being in the county Kilkenny; and also all the towns, villages, lands, tenements, tithes and hereditaments whatsoever, with their appurtenances, reputed part or parcel of said abbey in Farraghbeutry, in the counties of Wexford and Catherlayl, or either of them; and also the priory abbey or monastery of Fertuegeragh, and also the town and land of Fertuegeragh, with their appurtenances; and also the rectory and church of Fertuegeragh and Donnaghmore, with the appurtenances; and also all messuages, lands, tenements, tithes, oblations, alterages and other profits whatsoever to said rectory or church, or any of them, belonging or appertaining, situate, lying or being in said county Kilkenny; and also a messuage, with a garden, now or late in tenure or occupation of Richard Cantwell, in the county of the city of Kilkenny, lying between the land now or lately belonging to John Sweetman, on the west side of the common lane, called Bysse's Lane, with all other lands, tenements and hereditaments to the premises belonging, or with the same used, occupied, enjoyed or reputed as part or parcel thereof:

"All and singular the premises above by these presents granted, or mentioned to be granted, and every parcel thereof, whether they be or be not a manor, that from henceforth for ever they be deemed, reputed and called one entire manor, in matter and name; and that said manor, or by whatever other name or names it heretofore was called, from henceforth for ever shall be called and named the Manor of Graigedouske, alias Dwiske; and that it shall have all rights and privileges belonging to a manor. And further, of our special grace, certain knowledge, mere motion, for the said consideration, with the advice and consent aforesaid, and by virtue of the before-mentioned Commission, we have given and granted, and by these presents for us, our heirs and successors, do give and grant leave to the said Sir Edward Butler, knight, his heirs and assigns, that he and they and each of them, their heirs and assigns for ever, may and can have and hold a court, in nature of a court baron, from three weeks to three weeks, or seldomer, at the will of the said Sir Edward Butler, his heirs or assigns, within the said manor, to be held before any seneschal or seneschals to be appointed from time to time by said Edward Butler, his heirs and assigns; and that all and singular such seneschal and seneschals from time to time, severally and respectively, shall have and execute, by these presents, full authority, power and jurisdiction in the same court, in the nature of a court baron, to hold pleas, of whatsoever debts, covenants, transgressions, accounts, sentences, contracts, causes and other things whatever, which, in debt or damage, do not amount to the sum of 40*s.* English money, happening, arising, done, contingent or perpetrated within said manor of Graigedouske, alias Dwiske, and within all the places, towns, villages, hamlets or parcels, lands, tenements and hereditaments, by these presents limited to be parcels of same manor, and to hear, determine and execute, in the same court, in nature of a court baron, all and singular such and the like actions, causes and matters as are accustomed and ought to be heard and put in execution in any court baron within the said kingdoms of Ireland and England. And further, of our more abundant special grace, certain knowledge and mere motion, by and with the advice and consent aforesaid, for the aforesaid consideration, and by virtue of the aforementioned

mentioned Commission, we have given and granted, and by these presents for us, our heirs and successors, do grant and give leave to said Sir Edward Butler, knight, his heirs and assigns, that the said Edward Butler, his heirs and assigns, and each of them, may for ever have and hold a court leet or view of frank-pledge, and all things to courts leet or views of frank-pledge belonging, within the limits and precincts of said manor, and within all and any places by these presents limited to be parcel thereof, to be held before any seneschal or seneschals by said Edward Butler, his heirs or assigns, from time to time respectively to be appointed, twice in every year for ever, according to the form of the statute in that case made and provided; which seneschal and seneschals, from time to time, shall have and execute, by these presents, full authority, power and jurisdiction in the same court leet or view of frank-pledge, to inquire of all felonies, transgressions, deceptions, nuisances, and all other offences, causes and crimes whatsoever, which are accustomed and ought to be inquired of in any court leet, according to the customs of our said kingdoms of Ireland and England, contingent or arising within the limits and precincts of said manor, and within all and singular the towns, villages, hamlets and lands by these presents limited to be parcel of same manor, and within each parcel thereof; and further to do, ordain and execute in the same court all and whatever may, ought and is customary to be done, ordained and executed by the laws and customs of our said kingdoms of Ireland or England. And further, we will, and by these presents for us, our heirs and successors, do grant and give leave that the said Edward Butler, his heirs and assigns for ever, by these presents, may have, hold and enjoy, receive and collect, to his and their own use and behoof, all and singular profits, fines, issues, forfeitures, perquisites, commodities, casualties and emoluments from said several courts, and each of them respectively and severally, forthcoming, growing or arising, and put themselves in seisin thereof, without any account or any other thing thereof to us, our heirs or successors, to be rendered or paid, without any molestation, disturbance or grievance of us, our heirs or successors, or of any of our justices, escheators, sheriffs, bailiffs, or any other officers or ministers of us, our heirs and successors whatsoever; any statute, act, ordinance or any other thing, cause or matter whatsoever to the contrary notwithstanding.

"And further, of our more abundant special grace, certain knowledge and mere motion, for the said consideration, and by and with the advice and consent aforesaid, by virtue of the abovementioned Commission, we have given and granted, and by these presents for us, our and successors, do give and grant to the said Sir Edward Butler, knight, his heirs and assigns, that he and they and each of them respectively may have, perceive, possess and enjoy, and to their and each of their own use and behoof for ever, all and singular the chattels, goods, waifs and estrays within the precinct of same manor of Graigedouske alias Dwiske, and every parcel thereof, happening or to happen, found or to be found, arising or to arise howsoever; and that they and each of them successively may and can, by themselves, their ministers, officers or servants, from time to time possess, have, enjoy and receive and convert, to their own use, all said goods and chattels, waifs, estrays and fugitives' goods, without account or any other thing to us, our heirs and successors, to be rendered or paid, and without any disturbance, molestation, hindrance or grievance of us, our heirs or successors, or of the justices, escheators, sheriffs, bailiffs and other officers or ministers of us, our heirs or successors whatsoever. And further, of our more abundant special grace, certain knowledge and mere motion, for the consideration aforesaid, and by and with the advice, assent and consent aforesaid, by virtue of the before-mentioned Commission, we have given and granted, and by these presents for us, our heirs and successors, do give and grant, licence to said Sir Edward Butler, knight, his heirs and assigns, that he and they and each of them may for ever have and hold free-warren within said manor; and also may and shall have all and singular things belonging to free-warren within the premises respectively, together with all liberties, jurisdiction, officers and attendants to free-warren belonging, so as no other, except the said Sir Edward Butler, knight, his heirs and assigns, may enter into said towns, villas, hamlets, fields, lands, tenements or precincts thereof, or into any part of said manor, to chase or hunt deer, hares, rabbits, or to catch partridges, pheasants, or to do or take anything which belongs to free-warren, without the licence of said Sir Edward Butler, knight, his heirs or assigns respectively obtained, under pain of our royal displeasure, to be inflicted on such malefactor and contemner of our royal command."

COUNTIES OF KILKENNY AND TIPPERARY. - - - - - - -

Number of Manor Courts in County of Kilkenny, held by Pierse Scully, Seneschal.	The greatest distance of any Place within such Jurisdiction from the ordinary Place of holding such Courts.		Dates of Patents or Charters granted to such Courts.	The Extent of the pecuniary Jurisdiction.	How it is enforced.	What description of Cases tried.	The Power with regard to Imprisonment.	The Number of Persons imprisoned, and their Decree.	Number of Courts held Yearly.	Number of Courts held for the Year 1834.	Number of Courts held for the Year 1835.	Number of Courts held for the Year 1836.	Number of Courts held up to 31 March 1837.
	Number of Towlands	—		£. s.									
1. Glashare -	48	The greatest from Johnstown, where the court is held, is Ballylehane, about four miles.	Patent granted by King Hen. 8, 29th of October 1538, and 29th of his reign, to Peter Butler Earl of Ormond and Ossory, and Jas. Butler, Lord Treasurer of Ireland.	5 –	By decree, directed to the marshal, against the goods.	Under 28 Geo. 3, c. 44.	none	none	One held every month.	13	11	12	3
2. Urlingford als. Aghenourling.	9	8 miles -	Patent granted by Jas. 1, the 9th day of January, in the 19th year of his reign of England, France and Ireland, and of Scotland the 55th.	2 –	By decree; same as above.	Under the above Act.	none	none	One held every 3 weeks.	14	13	13	4
3. Ballin als. Ballyeyn.	21	4 miles -	Patent granted by Jas. 1, the 9th day of January, in the 19th year of his reign of England, France and Ireland, and of Scotland the 55th, to Richard Lord Visc. Mount Garrett.	2 –	By decree; same as above.	Under the above Act.	none	none	One held every 3 weeks.	15	15	15	4
4. Freshford -	6	1 mile -	Patent granted by Charles 2, the 8th day of Oct., in the 19th year of his reign, to Sir Geo. Ayscue.	2 –	By decree; same as above.	Under the above Act.	none	none	One held every 3 weeks.	3 From the 8th of Nov. 1834 to the 1st of Jan. 1835.	14	16	4
5. Killenaule als. Kildenaule, co. of Tipperary; held by Pierse Scully, seneschal.	86	10 miles -	Patent granted by King Hen. 8, 29th of October 1538, and 29th of his reign, to Peter Butler Earl of Ormond and Ossory, and Jas. Butler, Lord Treasurer of Ireland.	5 –	By decree; same as above.	Under the above Act.	none	none	One held every month.	none	4	7	1

COUNTY OF LEITRIM.—No Manor Courts.

Appendix (A.)

LIMERICK.

COUNTY OF LIMERICK.

MANOR OF MOUNT TRENCHARD, OR SHANAGOLDEN.

Manor of Mount Trenchard, or Shanagolden.

MY jurisdiction, as seneschal, is the manor of Mount Trenchard, or Shanagolden, in the county of Limerick; and the greatest distance of any part of said manor from the town of Shanagolden, where I preside, is about three Irish miles.

The patent under which I act was granted to Francis Trenchard, in the ninth year of the reign of James 1; and the pecuniary jurisdiction of same is 1 *l.* 16 *s.* 11 *d.* of the present currency of Ireland, which is enforced by distress and sale of the goods or chattels of the defendant; and no case tried except simple contract debts, for said amount and under, due by note or other satisfactory undertaking. No arrest of person or imprisonment has

COUNTIES OF KILKENNY AND TIPPERARY.

Number of Courts adjourned for Non-attendance of Jurors, or other Cause.	Number of Cases entered for Trial.	Number of Cases tried.	Number of Appeals from Decrees.	Number of Appeals tried.	Number of Decrees reversed.	Fees charged on each Decree.	The Sums recovered.	Total Amount of Costs received in the Year 1834.	Total Amount of Costs received in the Year 1835.	Total Amount of Costs received in the Year 1836.	Total Amount of Costs received up to 31 March 1837.	Seneschal.	Date of Seneschal's Appointment.
						£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.		
1	1,478	519	none	none	none	– 5 6 Under 25 Geo. 3, c. 44, and 7 & 8 Geo. 4, c. 41 and 59.	Under & up to 5 – –	68 5 –	48 7 –	54 19 6	19 3 –	Not of any legal profession, or justice of the peace.	Glashare, 6 June 1831.
6 Two of which were for non-attendance of jurors, and four in consequence of seneschal being from home.	762	288	none	none	none	– 5 6 As above, under Geo. 3.	Under & up to 2 – –	41 4 6	25 19 –	24 17 6	10 17 –	Same as above.	Urlingford, 20 Jan. 1826.
5 Two non-attendance of jurors, and three in consequence of seneschal being unable to attend.	909	272	none	none	none	– 5 6 As above, under Geo. 3.	Under & up to 2 – –	26 11 6	41 15 6	28 7 –	10 8 –	Same as above.	Ballin, 20 Jan. 1826.
none	333	134	none	none	none	– 5 6 As above, under Geo. 3.	Under & up to 2 – –	3 15 – From 8 Nov. 1834 to the 1 Jan. 1835.	17 15 –	18 15 –	6 4 –	Same as above.	Freshford, 16 Mar. 1835.
6 In consequence of three of seneschals' decrees being reversed on appeals, without prejudice and without costs.	456	169	3	3	3 Reversion, without prejudice & without costs.	– 5 6 As above, under Geo. 3.	Under & up to 5 – –	none	20 19 6	30 17 6	9 19 6	Same as above.	Killenaule, 6 June 1831.

Pierse Scully, Seneschal.

Appendix (A.)

LIMERICK.

Manor of Mount Trenchard, or Shanagolden.

has been, upon any occasion of this court, at any time acted on; nor is there any prison of peculiar jurisdiction, to my knowledge, in this part of the kingdom.

From the 31st of December 1833 to 31st of December 1834, 13 courts were held and 231 cases entered, out of which 28 were tried. From 31st December 1834 to 31st December 1835, nine courts were held, and 160 cases entered; 24 only tried. From 31st December 1835 to 31st December 1836, 10 courts were held, and 154 cases entered; 11 only tried. From the 31st of December 1836 to the present time, three courts were held, 49 cases entered and three cases tried, to neither of which said tried cases was there any appeal made.

The fees I charge on all decrees taken out for execution (of which there were no more than eight during said period), for any sum amounting to and over 5 *s.*, is 4 *s.* 6 *d.*; and for any lesser sum than 5 *s.*, the sum of 2 *s.* 6 *d.* The fees on all the foregoing untried cases were, for sums over 5 *s.*, 1 *s.* 6 *d.*; and under 5 *s.*, of which were the greater part, 10 *d.*

I am a farmer.

Maig-Shanagolden, 7 April 1837.

Cornelius O'Brien, Seneschal.

Appendix (A.)

LONDONDERRY.

COUNTY OF LONDONDERRY.

MANOR OF CASTLEDAWSON.

Manor of Castledawson.

THE charter of the manor court of Castledawson, in the county of Londonderry, was taken out in the reign of Queen Anne, I believe in the year 1713. The charter is now lodged in Dublin, in some of the courts. The jurisdiction of the court extends over the manor of Castledawson; it carries the sum of 20 *l.* sterling, recoverable by civil bill or attachment against either body or goods. I do not issue orders against the body, as there is no place of confinement within the manor. The greatest distance, from the extremity of the manor to where the court is held, is three miles and a half. This is a court of record as well as civil bill. There are many causes of action; goods sold and delivered, promissory notes and bonds. The court is held 12 times in the year. The number of cases vary from 10 to four each court-day; many of them are settled before coming forward. From 50 to 100 processes are issued for each court-day. There were three adjournments since the year 1833, on account of my absence from home. The fees I charge are 5 *s.* 6 *d.* for a civil bill decree; attachments, 7 *s.* 6 *d.* each; and when a case is tried by record, the cost is 1 *l.* 7 *s.* 6 *d.* The matter is tried on the third court-day after the entry. There were 10 appeals since the year 1833; eight were affirmed, one reversed, and one lies over, as the witness was unable to attend at the assizes. I held no court but the one I mention; am of no legal profession, and am not a justice of the peace.

3 April 1837. *S. D. Crawford,* Seneschal.

MANOR OF DRAPERS.

Manor of Drapers.

PLACE over which the Court has jurisdiction?

The estate of the Worshipful the Drapers' Company of London, situate in the county of Londonderry.

Greatest Distance of bound of Manor from Moneymore, where Court is held?

About nine miles at present: it is intended to hold a court in Draperstown, a court-room having been lately built there, which will make the distance about four miles.

Date of Patent granted to said Court?

The Drapers' Company have the patent; I do not know the date of it.

Extent of Pecuniary Jurisdiction, and how enforced?

£. 2, late Irish currency, and decree enforced by levying on defendant's goods.

What Description of Cases are tried?

All manner and kind of debts contracted by persons within the manor, not exceeding 1 *l.* 16 *s.* 11 *d.* present currency, shop accounts, lent cash, &c.

Extent of Power of Imprisonment?

There is no power to imprison from this court.

Number of Persons imprisoned?—None; having no power.

Whether the Prison be one of Peculiar Jurisdiction?—Answered above.

Whether Power of Distress exists, and how levied?

No power to levy any distress but under a decree.

Number of Courts held in each Year since 31st December 1833?

Twelve in each year of 1834, 1835 and 1836.

Number of Courts adjourned for Non-attendance of Jurors, or other causes?—None.

Number of Cases entered for Trial?

No case is entered until the sitting of the court, and then each case is entered when about to be tried: this is done in order to give time to both plaintiffs and defendants to settle their cases before any expense is put upon them.

Number of Cases tried?—Eighty in 1834; 77 in 1835; and 122 in 1836.

Number of Appeals from Decrees?

There have been but three appeals in the last three years.

How many Appeals tried?—One.

How many Decrees reversed?—None.

Fees charged?

One shilling on issuing summons, 2 *s.* for summoning jury and entering for trial, and 2 *s.* 6 *d.* for signing decree; being 5 *s.* 6 *d.* in all.

Sums recovered?

£. 44. 1 *s.* 1½ *d.* in 1834; 40 *l.* 10 *s.* 2 *d.* in 1835; 87 *l.* 11 *s.* in 1836.

Costs since 31st December 1833 for Three Years?

£. 41. 17 *s.* on entries and decrees for three years, to 31st December 1836; 108 *l.* on summonses for ditto, at 1 *s.*

Whether Seneschal is of any Legal Profession or a Magistrate?

Not of legal profession; is a magistrate.

There has been a great outcry made lately against the manor courts of Ireland, and no doubt, from the manner some of them were regulated, there has been more or less cause for such outcry; but I am inclined to think a great deal of the complaint has proceeded from interested persons, and especially from lawyers and other persons concerned in and connected with the general sessions courts of Ireland. There is a good deal of selfishness

at

at the bottom of the outcry, and which I have no doubt will be made manifest, if the Committee will examine minutely into the matter.

Where the seneschal of a manor court is a judicious and understanding person, his court, it is notorious, in place of being a nuisance, is the greatest possible convenience and accommodation to the inhabitants, not only of the manor, but of the surrounding district. Such a person will take care and have proper jurors summoned to attend his courts; and surely 12 respectable persons, acting upon their oaths, are more likely to do justice to parties, than they are likely to get in the confusion and hurry of a quarter sessions, and where witnesses are too frequently tortured by the quibbling of attorneys.

Manor of Drapers.

It may be said here, How are proper seneschals to be appointed as long as the power of appointment lies in the hands of the lords of the manors? In reply I say, Let an Act of Parliament be made to oblige the lords of manors to return the names of three men to the Lord-Lieutenant of Ireland, or to one of the masters of the superior courts in Dublin, or to any officer appointed by the Lord-Lieutenant, who, on examination of one or more of these persons, shall report the fitness or unfitness of him or them. This would soon purge the seneschals' courts of incompetent persons, and substitute good and efficient men in their stead, and make them, throughout the length and breadth of the land, what they were originally intended to be, convenient and highly useful courts.

I think it right to mention, that, whilst I am now writing, different individuals have been with me complaining of the hardship they have suffered, and the expense they have been put to, by attending the Coleraine Sessions (going on just now), 24 Irish miles from here, where they have been an entire week with their witnesses: one person's debt was 1 *l.* 4 *s.*; another was under 2 *l.* A litigious or a roguish character will process a person to the sessions (particularly when a sessions town lies at such a distance), hoping that the defendant will pay the amount rather than suffer the inconvenience and expense of going so far. I scarcely think there is anything in manor courts requiring more correction than this.

Moneymore, 11 April 1837. *Rowley Miller*, Seneschal.

MANOR OF MAGHERAFELT.

Manor of Magherafelt.

THE jurisdiction of this court extends over the 56 townlands belonging to the Magherafelt estate. The greatest extent of such jurisdiction from the place of holding is six miles; the court being at all times held in the town of Magherafelt.

Lord Londonderry and Sir Robert Bateson hold the patent, which they got from the Salters' Company in London; and I hold my appointment from them, dated 20th day of January 1815.

The extent of the pecuniary jurisdiction is 2 *l.* Irish; it is enforced by decree.

The cases usually tried are for small sums of lent cash, but generally for goods sold.

There is no power of imprisonment.

Power of distress is levied by decree.

The number of courts held in the year 1834 was 12; 1835, 11; 1836, 11.

There never have been any courts adjourned from non-attendance of jurors, or any other such cause.

The number of cases usually entered and tried vary from seven to 30; average, about 14 each court.

The number of appeals are very few; some are tried, and only in some solitary cases have any been reversed.

The fees charged for a summons and its service, where the sum does not exceed 12 *s.*, 1 *s.*; above that, 1 *s.* 6 *d.*; entry and trial, 4 *s.*; executing decree, 1 *s.*; in all 6 *s.* 6 *d.*, which sum is recovered, and nothing further incurred during that period.

The seneschal of said court does not belong to any legal profession, nor is he a justice of the peace, but is dependent on the situation he holds as seneschal.

Magherafelt, 4 April 1837. *Josiah Bryan*, Seneschal.

MANOR OF MAGHERA.

Manor of Maghera.

LIST of Townlands within the Manor of Maghera:

Carrickohilt.	Tirkane.	Drommore.	Ballymuckapherson.
Knockokeilt.	Ballynahone.	Drumsamney.	Stranagar.
Bay.	Ballysullan.	Curr.	Glenvigan.
Tamneymartin.	Largantoher.	Knocknagin.	Evisconavaddy.
Crew.	Gortanure.	Tullyrowan.	Strannabinch.
Mulloch.	Drumard.	Tamneyasker.	Moyassit.
Craigydick.	Drumulish.	Murmeal.	Tullybrick.
Moneymore.	Drumnacanon.	Granny.	Drumman.
Tamneymullen.	Drumnagunur.	Gortnourne.	Moneyconey.
Craigmore.	Killymuck.	Timoney.	Altieskey.
Tullyherin.	Drumlane.	Drumeen.	Cavanreagh.
Fulgotravey.	Killygolib.		

Appendix (A.)

LONDONDERRY.

Manor of Maghera.

Greatest distance from Maghera, nine miles.

Date of patent, from the late Lord Bishop of Derry, 1st November 1826.

Pecuniary jurisdiction of court, 4 *l.* 12 *s.* 3 *d.*, levied by decree of court.

Cases tried generally for goods given on credit, as oatmeal and potatoes, unsoundness of cattle, and trespass frequently.

No special power of imprisonment ever had recourse to; nor is there any prison in Maghera, save that used by the constabulary.

Power of distress, levied by distringas.

Number of courts held each year, from 31st December 1833:

In 1834	12 courts.
1835	13 ditto.
1836	15 ditto.
1837	3 ditto.

Court seldom or ever adjourned; only once the last year, from indisposition of the bailiff.

Number of cases entered in 1834	58
Ditto tried	56
Appeals settled	13
Entries for 1835	53
Trials	48
Appeals settled	10
Entries for 1836	63
Trials	54
Appeals settled	12
Entries for 1837	13
Trials	13
Appeals settled	1

In almost every instance appeals are made for the purpose of gaining time, even when no defence is taken; only one appeal tried since date of patent, and that confirmed by judge of assize. In every instance the entrance-money is returned when the action is not proceeded in, or settled before trial.

Fees charged: 1 *s.* for summons, 2 *s.* for entrance, and 2 *s.* 6 *d.* for decree; dismiss, 1 *s.*, appeal, 1 *s.*

	£.	s.	d.
Sums recovered in 1834	57	12	11½
Costs	8	13	3
Sums recovered in 1835	56	17	10½
Costs	7	6	–
Sums recovered in 1836	50	2	4
Costs	8	13	6
Sums recovered in 1837	15	8	10
Costs	2	19	6

Summonses issued for each court, averaging 35 to 40.

Not of any legal profession, nor a justice of the peace.

I presume it will not be irrelevant here to state, that the newspaper reports of Parliamentary intentions being unfavourable, both to manor courts and present tithe system, have gone far to destroy confidence, as well as to diminish business in them.

7 April 1837. *John Savage*, Seneschal.

MANOR OF MERCERS.

Manor of Mercers.

1. THE Jurisdiction over which the Manor Court extends, and the greatest Distance of any Place within such Jurisdiction from the ordinary Place of holding such Court?

Ampurtane.	Dunglady.	Lislea.	Tirhugh.
Ballydolahan.	Doolahay.	Lisnagrot.	Ternageeragh.
Ballyleam.	Erganagh.	Mackmagh.	Tiveconway.
Ballymenagh.	Fallihogay.	Moneygran.	
Beagh.	Gortan.	Moneysallin.	Freeholds.
Ballynian.	Gortade.	Moneysharvin.	Boveday.
Carbalintober.	Granahan.	Movanahar.	Drummuck.
Carrinrow.	Keady.	Moynock.	Drumsarce.
Coolhill.	Knockioneill.	Mullan.	Landmore.
Creagavole.	Kilrea.	Sivatragh.	Moyletra Toy.
Crossland.	Lanagh.	Tamlaught.	Slaughneal.
Culnagrew.	Lisachrin.	Terganvill.	Tamnirankin.
Clanagh.	Lismoyle.		

The greatest distance of any of the above townlands from Kilrea, where the court is always held, is not more than six Irish miles.

2. A Return

Appendix (A.)

LONDONDERRY.

Manor of Mercers

2. A Return of the Dates of Patents or Charters granted to such Court?

I beg to state, that, in the year 1816, I obtained from the Rolls-office in Ireland, an abstract of the charter of Charles 2, which I lodged with the clerk of the peace of the county; and by which it appears, that Charles 2, on the 10th day of April, in the 14th year of his reign, granted to the corporation of Londonderry, by the name of the "Society, Governors and Assistants, London, of the New Plantations in Ulster, within the Kingdom of Ireland," a confirmation of a former charter, whereby power is given to the society to create distinct manors and appoint seneschals, and also a power to hold courts leet and courts baron, in the several manors respectively.

3. A Return, pointing out the Extent of the Pecuniary Jurisdiction, how it is enforced, and what Description of Cases are tried?

By the said abstract, it appears that the pecuniary jurisdiction is the sum of 40 *s.*, and to have jurisdiction to inquire and try in the said courts baron all actions, trespasses, covenants, contracts, debts and demands, to the amount of the said 40 *s.*, and to enforce payment by a decree issued out of said court, against the goods of the defendants, directed to the marshal or bailiff of the manor, to take them into custody, and sell and dispose of according to law, to pay plaintiff or his assigns the said debt and costs.

4. A Return, pointing out the Extent of their Power with regard to Imprisonment, the Number of Persons imprisoned under their Decrees; also to state whether the Prison be one of Peculiar Jurisdiction?

I beg to state that I never knew of any power the manor court of the manor of Mercers had of imprisonment, nor have I ever heard of any person being imprisoned under an execution or decree issued out of the said manor court; nor is there any prison in the manor.

5. A Return, stating whether Power of Distress exists, and how it is levied?

The only mode of proceeding used by me is by summons served on the defendant, and after the hearing an execution issues for the amount found by the verdict of the jury, with or without costs, against the defendant's goods, directed to the marshal or bailiff of the manor and his assistants, to take into custody the defendant's goods, and them to sell and dispose of, according to law, to pay the plaintiff or his assigns the said debt and costs.

6. A Return of the Number of Courts held in each Year, beginning from 31st December 1833; the Number of Courts adjourned for Non-attendance of Jurors or other cause; the Number of Cases entered for Trial; the Number of Cases tried; the Number of Appeals from Decrees, stating how many were tried, and how many Decrees were reversed?

There were eight courts held in the year from 1st of January 1834 to the 31st of December 1834.

There were six courts held in the year from 1st of January 1835 to the 31st of December 1835.

There were six courts held in the year from 1st of January 1836 to the 31st of December 1836.

There were no courts adjourned in the years 1834, 1835 and 1836 for non-attendance of jurors or other cause; the jurors are always chosen out of the respectable tenants of the several townlands in the manor, and are always regularly summoned two or three days before the court day, requiring their attendance as jurors.

There were 30 cases entered and 28 tried, in the year from 1st of January 1834 to the 31st December 1834.

There were 32 cases entered and 30 tried, in the year from 1st of January 1835 to the 31st December 1835.

There were 37 cases entered and 36 tried, in the year from 1st of January 1836 to the 31st December 1836.

There was only one appeal lodged during the years 1834, 1835 and 1836; the appellant paid the plaintiff the amount of the decree before the assizes, and consequently it was not proceeded upon.

7. A Return of Fees charged?

	£.	*s.*	*d.*
Signing the summons, 1 *s.*; entering the plaint, 1 *s.* - - -	–	2	–
Execution, making out and signing - - - - - -	–	2	–
Bailiff, for serving summons, 6 *d.*, and executing decree, 1 *s.* -	–	1	6
Costs of an execution or decree - - -	–	5	6
Bond and bail taken on an appeal - - - - - -	–	1	–
Renewal of each execution or decree - - - - - -	–	–	6
	–	1	6

Appendix (A.)

LONDONDERRY.

Manor of Mercers.

	£.	s.	d.
Amount of sums recovered in the year from the 1st of January 1834 to the 31st of December 1834 - - - - - -	21	4	5½
Amount of sums recovered in the year from the 1st of January 1835 to the 31st of December 1835 - - - - - -	20	13	–
Amount of sums recovered in the year from the 1st of January 1836 to the 31st of December 1836 - - - - - -	28	12	7
	70	10	–½

Amount of costs in the year from the 1st of January 1834 to the 31st December 1834:			
Two cases entered, at 1 *s.* each - - - - - -	£. –	2	–
Twenty-eight cases tried, at 5 *s.* 6 *d.* each - - -	7	14	–
	£. 7	16	–
Amount of costs in the year from the 1st of January 1835 to the 31st December 1835:			
Two cases entered, at 1 *s.* each - - - - - -	£. –	2	–
Thirty cases tried, at 5 *s.* 6 *d.* each - - - -	8	5	–
	8	7	–
Amount of costs in the year from the 1st of January 1836 to the 31st of December 1836:			
One case entered - - - - - - - -	£. –	1	–
Thirty-six cases tried, at 5 *s.* 6 *d.* each - - -	9	18	–
	9	19	–
	£. 26	2	–

3. A Return of such Courts the Seneschal or Stewards of which are Members of any and what Legal Profession, or Justices of the Peace?

It is understood that the Society, when it made a grant to the Mercers' Company, granted all manorial rights, and consequently the power of appointing seneschals; but I have no document, except the abstract from the Rolls-office already referred to.

I was appointed seneschal of the manor of Mercers in the year 1803, by a deed from the late Alexander Stewart, esq., who held by lease under the Mercers' Company for his life; and at his death, in the year 1831, I received another appointment as seneschal from the Mercers' Company of London.

I am not a member of any legal profession, nor a justice of the peace; but I have been assistant-agent of the Kilrea estate and seneschal of the manor of Mercers since the year 1803, which is upwards of 33 years.

Kilrea, 8 April 1837. *John Henderson*, Seneschal.

MANOR OF VINTNERS.

Manor of Vintners.

MY jurisdiction extends over the manor of Vintners, commonly called the Bellaghy estate, in the barony of Loughimhollen and county of Londonderry, containing 50 townlands, the most distant part of which is about seven miles from the town of Bellaghy, where the manor court is held.

The patent is lodged with the clerk of the peace for the county, James Gregg, esq., Londonderry, and I have no copy of it, and cannot give the date.

Forty shillings, British currency, is the extent of the jurisdiction of this court. There is no power of imprisonment, nor any prison; and the decree is enforced by the bailiff of the manor, who has the power of levying the distress under the execution, signed by the seneschal, to the extent of such decree.

In 1834, there were three courts held; 23 cases entered for trial, 22 tried, 1 appealed, none reversed; the sums recovered amounted to 14*l.* 7*s.* 5*d.*, and the costs amounted to 5*s.* 6*d.* on each case heard and decree issued.

In 1835, there were four courts held; 29 cases entered for trial, one appealed from, one reversed; the sums recovered amounted to 38*l.* 1*s.* 2*d.*, and the costs amounted to 5*s.* 6*d.* on each decree issued and cause heard.

In 1836, there were no manor courts held, in consequence of there being no place sufficiently roomy to contain the jury and the parties: this is now remedied by a proper place being prepared; and the courts are held as formerly.

J. M. Hunter, Seneschal,
Justice of the Peace.

MANOR OF WALWORTH.

Manor of Walworth.

EXTENT of Jurisdiction?

The jurisdiction of this court extends over the manor, consisting of 50 townlands, situated in the parishes of Tamlaghtfinlaggan, Faughanvale, Cumber and Banagher, baronies of Kenaght and Tirkeeran, county of Londonderry. The greatest distance from the place of holding the court (Ballykelly) is about 11 miles, in a direct line.

Dates

Dates of Patents or Charters granted to such Courts?

This court is held under a charter granted 29th March, in the 12th year of the reign of James 1, to the "Society of the Governor and Assistants of the New Plantation of Ulster;" which charter was afterwards annulled, but restored in 1641, and re-granted by Charles 2, in 1662.

Extent of Pecuniary Jurisdiction, how enforced; Description of Cases tried?

The extent of the pecuniary jurisdiction is 40 *s.*, with 5 *s.* 6 *d.* costs, which is enforced by a decree from the seneschal, directed to the bailiff of the court, to seize and sell the goods of the defendant, if found in the manor, in the same way as goods are sold under the decree of the barrister. All manner of debts under 40 *s.* can be recovered from persons residing in the manor; they are principally for trespass, servants' wages and tradesmen's accounts. These courts were formerly very useful, but are not of much service now, as the magistrates at petty sessions have jurisdiction in most of those cases which were formerly tried in them.

Number of Courts held since 31st December 1833; Fees, &c.?

I have not held any court for some years; none, I believe, since I became a magistrate, which is about 10 years ago.

I never heard of any person having been imprisoned under a decree of a manor court.

Drummond, 4 April 1837. *Arthur Sampson*, Seneschal.

COUNTY OF LONGFORD.—COUNTY OF LOUTH.

No Manor Courts.

COUNTY OF MAYO.

MANOR OF CASTLEMORE.

1. NAMES of Places over which Jurisdiction extends?—Barony of Costello.

2. Greatest Distance of any Place within Jurisdiction to where Courts are ordinarily held?

Seven Irish miles to one or other of the three places where the courts are held.

3. Date of Patent?

Patent lodged with the clerk of the peace for the county; date at present not ascertained, but granted in the reign of Elizabeth.

4. Extent of Pecuniary Jurisdiction?—£. 9. 4 *s.* 7 *d.*

5. How enforced?—By distress of goods and chattels.

6. Imprisonment?—No power of.

7. Number of Courts from the 1st January 1834 to the 23d March 1837, inclusive?

Forty-four.

8. Courts adjourned for Non-attendance of Jurors, or other causes?—None.

9. Processes issued from 1st January 1834 to the 23d March 1837, inclusive?

Three thousand five hundred and fifty-two, at 1 *s.* each; amount, 177 *l.* 12 *s.*

10. Processes entered and tried?

Eight hundred and eighty-eight, at 4 *s.* 6 *d.* each; amount, 199 *l.* 16 *s.*

11. Appeals lodged from 1st January 1834 to the 23d March 1837, inclusive?

Twenty-six, at 1 *s.* each; 1 *l.* 6 *s.*

12. Appeals tried?—I do not know how many.

13. Appeals reversed from 1st January 1834 to the 23d March 1837, inclusive?

One; and but two for the last 23 years.

14. Amount of Sums recovered from the 1st of January 1834 to the 23d March 1837, inclusive?

Of the 888 actions entered, decrees have been obtained for 1,300 *l.* 4 *s.* 7 *d.*, not including costs; and supposed to be recovered by processes issued and not entered or tried, 3,000 *l.*

15. Amount of Fees charged?—Answered in Nos. 9, 10 and 11, as above.

16. Are you a Member of any or what Legal Profession?

I am not a member of any legal profession.

17. Are you a Justice of the Peace?—I am.

13 April 1837. *Joseph Seymour*, Seneschal.

Appendix (A.)

Mayo.

Manors of Dayne and Ballynock.

Manors of Dayne and Ballynock.

Date of Patent for Manors of Dayne and Ballynock?—2d day of January 1668.

Pecuniary Jurisdiction?—£. 9. 4*s.* 7½*d.* sterling, British currency.

Description of Cases tried?

Goods sold and delivered, promissory notes, and use and occupation.

Extent of Power with regard to Imprisonment?—None.

Number of Persons imprisoned?—None.

Whether Power of Distress exists?

Yes; and levied by decree on goods and chattels.

Courts held in	1834	9
—	1835	7
—	1836	12
—	1837	3

Courts adjourned for Non-attendance of Jurors, or other causes?—None.

Number of Cases entered for Trial?—Six hundred and forty.

Number of Cases tried?—Three hundred and eighty-seven.

Number of Appeals from Decrees?—Eighteen.

How many tried?—None.

How many reversed?—None.

Costs on each Decree?—Five shillings and sixpence.

The Sums recovered?—The probable amount, 700*l.*

Amount of costs from 31st December 1833 to 31st March 1837?

Received 64*l.* 9*s.* 11*d.*

Seneschal?—A justice of the peace.

In many cases, costs were not charged, for various reasons, persons not having means to recover their debts: seneschal has forgiven costs and given processes to such persons as had no means to recover small debts.

Westport, 12 April 1837. *G. Clenaming*, Seneschal.

Manor of Killalla.

Manor of Killalla.

The places over which my jurisdiction extends are as follows: Killalla, Rahone, Balagone, Tounamore, Racash, Carakeel, Crosspatrick, Killogery, Lacken-hill, Killouges, Killcummin, Killbride, Dounpeny, Stalough, Killerduff, Balnury, Mygoumy, Drenaghane. Dounpeny is the greatest distance from Killalla, where I hold my court. I am not aware of the date of the patent or charter. The extent of the pecuniary jurisdiction is 40*s.* late Irish currency; it is enforced by summons first, and then attachment: if the defendants think themselves aggrieved, they enter bail to abide the decision of the court. There are no cases tried but actions of debt contracted within the jurisdiction of the manor. There is no imprisonment.

The number of courts held since December 1833 are as follow:

From December 1833	to 1834	6 courts.
—	1834 to 1835	8 —
—	1835 to 1836	5 —

None adjourned for want of jurors.

The number of cases entered for trial are 139; the number tried, 73. The number of appeals from decrees were two, and both affirmed; the fees are 5*s.* 6*d.* The sums recovered do not exceed 40*s.* of late currency; the sum received during the same period, about 30*l.*

My profession is that of a merchant.

10 April 1837. *James Cooper*, Seneschal.

Manor of Newport Pratt.

Manor of Newport Pratt.

1. Places over which Jurisdiction of Court extends?

The manor or lordship of Borreshowle, in the county of Mayo, the property of Sir Richard Annesly O'Donell, Bart., containing about 150 townlands or quarters.

2. The greatest Distance of any Place from Place of holding Court?

The greatest distance is about 22 miles, to which jurisdiction extends.

3. Date

3. Date of Patent or Charter?—Charter granted 19th of June 1789.

4. Extent of Pecuniary Jurisdiction?—£. 6 sterling, late Irish currency.

5. How it is enforced, and what Description of Cases are tried?

By process of seneschal, served on defendant. Cases tried are those of wages, small debts, trespass cases, tithe cases, small loans, promissory notes, &c.

6. Extent of Power with regard to Imprisonment?—None.

7. Number of Persons imprisoned under Decree?—None.

8. Whether Prison be one of Peculiar Jurisdiction?—None.

9. Whether Power of Distress exists, and how it is levied?

Power of distress exists in this court. Amount of decree levied off the goods and chattels of the defendant, and sold on fifth day after seizure.

10. Number of Courts held in each Year, beginning 31st December 1833?

The number of courts held in each year have been 12, one in each month. The present seneschal cannot give information regarding this court prior to his appointment in December 1836, his predecessor having died prior to that period. Five courts have been held since 7th December 1836.

11. Number of Courts adjourned for Non-attendance of Jurors or other causes?

There has not been any court adjourned for non-attendance of jurors since appointment of seneschal; attendance of jurors regular.

12. Number of Cases entered for Trial?

Seventy-one cases entered for trial since 7th December 1836.

13. Number of Cases tried?—Forty-six cases tried; 25 settled.

14. Number of Appeals from Decrees?—Eight appeals.

15. Number of Appeals tried?—Five appeals tried.

16. Number of Decrees reversed?—One decree reversed by judge of assizes.

17. Return of Fees charged?

	s.	d.
Fees for process - - - - - - -	1	–
— entry of process - - - - - -	2	–
— decree - - - - - - -	2	6
TOTAL - - -	5	6
Appeal - - - - - - - -	1	6
Test - - - - - - - -	–	4
Dismiss - - - - - - - -	4	6

18. Sums recovered, and the Amount of Costs during that Period?

Sums recovered, 43 *l.* 1 *s.* 3 *d.*; and amount of costs recovered, 9 *l.* 12 *s.* 6 *d.*

19. Whether Seneschal or Steward be a Member of any Legal Profession, or a Justice of the Peace?

Not a member of any legal profession or a justice of the peace.

15 April 1837. *William Lundy*, Seneschal.

COUNTY OF MEATH.

No Manor Courts.

COUNTY OF MONAGHAN.

MANOR OF CASTLEBLAYNEY.

THE manor court of Castleblayney is held in the town of Castleblayney; its power extends from one to four and a half miles from the town, over the estates of Lord Blayney and Viscount Templeton.

Patent granted?—I know not, but believe when this estate was granted. Debts sued for by distringas against chattel property only. Debts sued for, such as for goods sold, or settled accounts, under the sum of 2 *l.* sterling.

Cases tried by jury of 12 men, residents of the manor. No imprisonment. Distress levied by levari from off chattel property only.

Appendix (A.)

MONAGHAN.

Manor of Castleblayney.

Two courts held in each month; one for entries and one for trials. Six adjournments, seneschal being sick, and general assizes holden in the county. No appeals from levaries.

Cases entered in the year 1834, 88; tried 19, and one dismiss.

Amount of debt recovered, 29 *l.* 4*s.* 5*d.*, costs included, being 9*s.* 2*d.* for each levari.

In the year 1835, there were 64 entries; tried 14, and one dismiss. Amount of debt and costs recovered, 21 *l.* 7*s.* 4*d.*

In the year 1836, there were 52 entries; 16 trials; and amount of debt and costs recovered, 24*l.* 19*s.* 4*d.*

A. O. B. Bellingham, Seneschal, and a Magistrate.

6 May 1837.

MANOR OF CASTLESHANE.

Manor of Castleshane.

PRESENT Lord of the Manor, Edward Lucas, Esq., M. P. for the County of Monaghan; Seneschal, Andrew Swanzy, Esq.

The jurisdiction of this court extends over the following places, as set forth in the letters patent; viz., Shean, Edenbrone, Aughmacmongan, Augtufigan, Teubruife, Lisminine, Lattgreave, Cordowlibane, Cordowlisduff, Lenegore, Aughneglogh, Cormurphy, Lissahigny, Corwillen, Corskelly, Aghricke, Aghlaverty three tates, Ballygreney two tates, Drumgolat, Grenon, Tullycunuskey, Fedans, Duskea, Pollans, Crossog, Molan, Clonborue, Tonagh, Lemgarre, Cornahoe, Drumgallon, Lisnagueve, Dundromon, part Aghnaskeen, Cashell, Avell, Corlagan, Annagh, Cash, Mullygarry, Annynbagh, Lackall, Dornigarry, Corlea, Corlatt, Clonsene, Stradinlea, Oghill four tates, Dernaglogh, Cornamuckla, Toome, Crinckill, Duarlatt, Culmanum three tates, Duarlett, Guasker, Tonnyscallen, Clonanore, Cordowlis, Drumgristin, Corstagan, Corlea, Devlin, Moysnatt, Crieve and four tates, Doune, Cornebrandy, Litters two tates, Ardinlagh, Aughnameal, Lismagunshin, Enagh, Carickmore, Clarderry, Cornemucklas and Letnakelly, all situate, lying and being in the county of Monaghan.

The court is usually held at a school-house, in the townland of Crieve, in said manor, from which, to the most distant place to which the jurisdiction extends, is about 12 statute miles; but, practically, no jurisdiction is exercised over any place more than five statute miles distant from the court, within which the bulk of the lands in the manor are situated; over the lands farther off, consisting of a few scattered townlands, the inhabitants of which, from their distance from the court, would find it very irksome and burthensome to do suit and service thereat, and on this account the jurisdiction has not been exercised over them.

The letters patent constituting the manor, comprising the above-mentioned denominations of land, to be called the "Manor of Castleshane," were granted by Charles 2, to Francis Lucas, Esq., of Castleshane, and his heirs, &c., dated 13th August 1683.

The said letters patent grant powers to said Francis Lucas and his heirs to have and hold, under such seneschal or seneschals as he or they may from time to time appoint,

1. A court-leet or view of frank-pledge, to inquire of all felonies, trespasses, deceits, nuisances, &c. within said manor.

2. A court in the nature of a court-baron, every three weeks, or seldomer, if he or they please, to try actions of debt, covenant, trespasses, account, contract and detinue, and all other causes and matters whatsoever, which in debt or damage exceed not the sum of 40*s.* current money of England, and to hear and determine and execute all matters accustomed to be inquired of, done and executed in any court-baron in Ireland or England.

3. A law day, or "court of record," to hold pleas of all and all manner of actions of debt, trespass and replevin, &c., and all other personal and mixed actions, when the debt or damages shall not exceed the value of 10*l.* sterling, with power to the seneschal to issue all necessary warrants, and to compel the defendant to appear and answer the plaintiff's suit as in any other court of record, be the same by summons, attachment of the body or goods, or by distress, or other legal course, &c., and so to proceed to judgment; such judgments to award and issue out executions on body, goods or lands.

The said letters patent further authorize the said Francis Lucas, his heirs, &c., to erect, build, and have a prison in said manor, and also to appoint a keeper for said prison.

But although such appear to be the powers granted by the patent, they have been or are now but partially exercised.

The second, or court-baron, is the only court now in use in the manor, and is confined to cases where the debt or damage does not exceed 40*s.*

The decree of the court is enforced by levari, or warrant of the seneschal, against the goods of the party. The goods distrained under said levari or warrant are, after due notice, sold to answer the warrant, rendering the surplus (if any) to the owner. The fees of the seneschal in each case are 2*s.* 6*d.*; the whole fees and costs on each decree not exceeding 6*s.*

The power of imprisonment is never exercised; no warrant or attachment against the person is ever issued, nor is there any prison in the manor.

The description of cases tried are mostly those of debts arising out of the ordinary county transactions of buying, selling, and the like, mixed actions, and a few promissory notes or other specialties.

Appendix (A.)

MONAGHAN.

Manor of Castleshane.

Abstract of Proceedings from 31st December 1833.

—	Number of Courts held.	Number of Courts adjourned for non-attendance or otherwise.	Number of Cases entered for Trial.	Number of Cases tried.	Number of Appeals from Decrees.	Total Fees charged by Seneschal.	Sums recovered.	Amount of Costs.
						£. s. d.	£. s. d.	£. s. d.
From 31 Dec. 1833 to 31 Dec. 1834.	11	4	53	31	none	3 17 6	68 18 –½	5 8 6
From 31 Dec. 1834 to 31 Dec. 1835.	11	2	67	30	none	3 15 –	69 12 8½	5 5 –
From 31 Dec. 1835 to 31 Dec. 1836.	12	1	48	22	none	2 15 –	49 19 7½	3 17 –

The seneschal has been a magistrate of the county of Monaghan for the last 26 years.

Andrew Swanzy, Seneschal.

Millmount, Monaghan, 11th April 1837.

MANOR OF ST. TIERNEY.

Manor of St. Tierney.

1. I AM not aware of the number of manor courts existing in this county.

2. The places over which the jurisdiction of this court extends are the estates granted by the patent of the 13th day of May, in the sixth year of the reign of James 1, all situate in the barony of Dartry and county of Monaghan, except one townland (Lisdrum) in the barony of Magherastaphena and county of Fermanagh.

3. The greatest distance of any place within the jurisdiction of this court, from the market-house of Clones, being the ordinary place of holding such court (with the exception of Lisdrum, which is about 12 miles off), is about five miles, viz., the lands of Killyna and Killykeeragh.

4. I cannot find the original patent or charter of this court, but by the patent beforementioned of the sixth of James 1, those estates are granted by his Majesty, together with the courts leet and baron; and by inquisition, taken 10th November 1623, Clones is found to be a manor lately belonging to Sir Francis Rush; and by inquisition, taken 19th January 1629, Thomas Rush is found to have died seised of the manor of Clones, &c.; so also by inquisition, taken 16th April 1641, Sir Robert Loftus is found to have died seised, in right of his wife, dame Eleanor Rush, of the site of the late dissolved monastery of Clones, with the manor and lordship of St. Tierney in Clones; and it is believed that at times beyond the memory of man manor courts have been held at Clones, and continued down to the present time.

5. The extent of the pecuniary jurisdiction of the court is 2*l.*

6. Enforced by process of levari.

7. The description of cases tried in this court is all manner of actions in debt, case and trover.

8. I know not of any power possessed by the court in respect to imprisonment.

9. There have not been any persons imprisoned by its authority, to my knowledge.

10. Nor is there any prison of peculiar jurisdiction or otherwise belonging to or used in this manor.

11. The court possesses the power of distress.

12. All actions are commenced by distress or process of distringas, signed by the seneschal, and executed by the bailiff of the manor.

13. The number of courts held in the respective years since December 1833, are as follow:

In the year 1834 - - - - - 3 courts.
1835 - - - - - 4 —
1836 - - - - - 4 —

14. No courts have been adjourned on account of the non-attendance of jurors. One court was adjourned in the month of July last, in consequence of the seneschal being severely injured by a fall from his horse, on his way to open the court, and being unable to proceed.

Appendix (A.)

Monaghan.

Manor of St. Tierney.

15. The number of causes entered for trial in those three years has been 54.
16. The number of causes tried has been 42.
17. There have not been any appeals from decrees of this court.
18. Therefore no decrees could have been tried or any reversed.
19. But within those three years there has been one writ of certiorari from the Court of King's Bench, to which the seneschal made a return, and no further proceedings were taken.
20. The fees charged are as follow; and by reference to the return made in the year 1717 to the Court of Chancery, by the seneschal of the manor of St. Tierney, it will appear that in most instances the fees have been diminished in that time.

	s.	d.
Distringas - - - - - -	-	10
Declaration and entering cause for trial -	2	2
Judgment and levari - - - -	2	6
	5	6

21. The sums received by the officers of this court being confined to the above.
22. The amount of fees received during the same period is 20 *l.* 2 *s.* 10 *d.*, as well as can be now made out.
23. The seneschal of this manor is a member of a legal profession, being a solicitor of the Court of Chancery, and one of the attorneys of the superior courts in Dublin.
24. But he is not a justice of the peace.

Nicholas Ellis, Seneschal.

Lisnaroe, Clones, 6 April 1837.

QUEEN'S COUNTY.

Queen's County.

Manor of Brittas.

Manor of Brittas.

The jurisdiction of the manor court of Brittas, in the barony of Tinnehinch and Queen's County, extends to part of the parishes of Clonaslee, Reary, Rosenallis and Castlebrack, in said barony and county; and the greatest distance within such jurisdiction from the ordinary place of holding such court is about six miles.

The date of patent to said court, from James 1, is dated the 27th June, the 17th year of his reign of England and France, and 52d of Scotland; the copy of patent is lodged with the clerk of the peace for said county.

The sums of money processed for, the highest amount, are 9 *l.* 4 *s.* 7½ *d.*, which are enforced by a decree granted by a jury and signed by the seneschal, directed to the bailiff of the manor to execute on the property of the person decreed.

The description of cases tried are book-debts for every value, note-debts, rent and arrears of rent, "excepting in cases where title of lands are drawn into question." There is no power in regard to imprisonment in this court.

From the 31st December 1833 to the 31st December 1834, there were seven courts held; in 1835, six courts; in 1836, six courts; and in 1837, one court; during all which time there was no adjournment for non-attendance of jurors or any other cause.

The number of processes cannot be accounted for.

In the year 1834 there were 115 cases entered for trial, 98 of which were decreed, 17 dismissed, and seven of the decreed cases appealed; one only went to trial, which decree was confirmed by the judge of assize. In 1835 there were 97 cases entered for trial, 90 decreed, seven dismissed; five of the decreed appealed, none of which went to trial before the judge of assize. In 1836 there were 67 cases entered for trial, 53 of which were decreed, 14 dismissed, and six of the decreed appealed, none of which went to trial before the judge of assize. In the year 1837, at one court-baron, there were 19 cases entered for trial, 14 of which were decreed, five dismissed, and no appeal.

The fees, first, 1 *s.* to the seneschal for signature of process, 6 *d.* to bailiff for service, 1 *s.* for entry and trial on the court day, and 2 *s.* 6 *d.* for a decree, "in case it shall be taken up by plaintiff;" total, 5 *s.* But in most instances the decree is never raised, by which the defendant is saved the 2 *s.* 6 *d.* cost.

The fees on appeal: 1 *s.* paid seneschal, and 2 *s.* 6 *d.* paid the clerk for preparing recognizance appeal, notices for respondent and bailiff, certificate for clerk of the peace for the judge's registrar, total 3 *s.* 6 *d.*; the fees on distringas or attachment are 1 *s.* to the seneschal, and 1 *s.* to bailiff, which are not charged in decrees.

The Sums Recovered and Costs.

Sums Recovered.	Cost.	Sums Recovered.	Cost.	Sums Recovered.	Cost.	Sums Recovered.	Cost.	Sums Recovered.	Cost.
£. s. d.	s. d.	£. s. d.	s. d.	£. s. d.	s. d.	£. s. d.	s. d.	£. s. d.	s. d.
1834:		1834:		1835:		1835:		1836:	
– 10 –	2 6	– 6 8	2 6	3 13 4	2 6	– 9 2	2 6	– 14 –	2 6
2 10 –	2 6	6 10 –	5 –	– 7 1	2 6	– 7 3½	2 6	– 4 –	2 6
1 2 –	2 6	2 5 4½	2 6	– 4 –	2 6	1 12 –	2 6	1 4 –	2 6
– 5 2½	2 6	– – 9	2 6	1 2 –	2 6	5 4 2	2 6	2 11 –	5 –
– 12 6	2 6	3 – –	2 6	1 10 –	2 6	1 1 7	2 6	1 13 –	2 6
4 – –	2 6	– 13 –	2 6	2 12 4½	5 –	– 19 –	2 6	3 – 7½	5 –
1 10 –	5 –	1 12 4	2 6	– 15 10	2 6	1 8 4	2 6	3 6 –	2 6
– 18 –	2 6	2 2 –	2 6	1 – –	2 6	– 6 –	5 –	– 17 –	5 –
4 6 8½	5 –	1 19 11	5 –	3 6 5	5 –	– 2 4	2 6	3 2 6	2 6
– 16 2	2 6	1 10 6	2 6	– 17 9	2 6	– 6 –	2 6	– 8 10	2 6
– 17 4½	2 6	1 5 3	2 6	1 – 7	5 –	1 1 –	2 6	2 – –	2 6
1 9 6	2 6	– 12 –	5 –	1 10 –	5 –	– 13 4	2 6	1 1 5	2 6
3 – 4	2 6	– 4 11	5 –	3 19 4½	2 6	– 4 2	2 6	2 5 10	2 6
1 7 3	5 –	3 14 8	5 –	– 17 6	2 6	2 2 10	2 6	1 3 3	2 6
– 8 –	2 6	– 4 6½	2 6	1 10 6	2 6	– 15 4	2 6	– 5 9	2 6
1 4 –	5 –	– 3 1	2 6	3 – 6	2 6	– 3 7	2 6	– 3 6	2 6
– 13 7	2 6	1 – –	2 6	1 14 10	5 –	1 1 4½	2 6	– 4 –	5 –
2 8 6	2 6	– 3 –	2 6	– 2 1½	2 6	– 3 –	2 6	– 10 6	2 6
1 10 –	2 6	– 10 –	2 6	– 6 1	2 6	– 9 6	2 6	– 3 –	2 6
– 6 –	2 6	2 – –	2 6	– 4 10½	2 6	– 12 –	2 6	3 10 –	2 6
2 19 –	2 6	3 12 6	2 6	– 12 7	2 6	– 14 –	2 6	1 13 8	5 –
– 5 7	2 6	2 6 8	5 –	– 8 8	2 6	1 12 6	2 6	1 19 8	5 –
– 6 2	2 6	7 14 6	2 6	2 16 8½	2 6	1 16 5	2 6	2 – –	2 6
– 8 –	2 6	3 – –	2 6	– 9 –	2 6	– 16 –	2 6	4 12 6	5 –
– 2 –	2 6	– 14 8	2 6	– 4 6	2 6	– 15 8½	2 6	3 5 –	2 6
5 10 –	2 6	– 9 6	2 6	– 17 6	2 6	– 4 5	2 6	– 11 –	2 6
– 14 –	2 6	2 12 3	2 6	1 10 10	5 –	– 5 10	2 6	1 17 4	2 6
1 4 7½	2 6	– 18 9	2 6	– 1 6	2 6	– 13 7	2 6	– 12 5	2 6
3 – –	2 6	– 14 9	2 6	– 3 11½	5 –	– 13 4	2 6	1 10 –	2 6
1 3 8	2 6	– 15 –	2 6	– 16 7	5 –			– 9 6	2 6
– 10 4	2 6	4 10 –	2 6	– 8 4	2 6	112 19 7½	13 – –	5 15 –	2 6
5 10 –	5 –	1 – –	5 –	5 7 6	2 6			1 15 5½	5 –
– 9 7	2 6	– 13 7	2 6	1 3 1	2 6	1836:		91 3 3	8 5 –
– 11 3½	2 6	– 8 –	5 –	1 – –	5 –	– 6 6	2 6		
– 10 –	2 6	– 17 –	2 6	– 7 –	2 6	1 3 3	5 –		
1 5 –	2 6	4 4 –	2 6	– 7 6	5 –	1 8 –	2 6		
– 13 1	2 6	5 10 –	5 –	– 5 –	2 6	– 14 –	2 6	1837:	
– 13 7	2 6	– 7 1	2 6	1 10 –	2 6	3 1 7	2 6	2 – –	5 –
– 11 –	2 6	1 9 –	2 6	1 19 7	2 6	3 11 –	5 –	– 11 2	5 –
1 1 5½	2 6	2 8 –	2 6	1 4 8	2 6	5 – –	2 6	– 5 –	2 6
2 10 –	2 6	6 4 6	2 6	– 5 11	2 6	2 2 –	2 6	1 10 9½	2 6
– 2 1	2 6	2 5 –	2 6	1 7 1	2 6	– 10 –	5 –	2 6 –	2 6
– 3 9	2 6	– 3 9½	2 6	1 1 7	2 6	– 9 2	2 6	– 19 7	5 –
1 – –	2 6	1 14 6	2 6	– 17 7½	2 6	– 11 10	5 –	1 6 –	2 6
– 15 –	2 6			– 12 –	2 6	1 – –	2 6	– 5 –	2 6
– 14 –	2 6	158 5 3	14 – –	4 8 –	2 6	1 2 –	5 –	– 7 3½	2 6
– 3 –	2 6			1 12 –	2 6	4 7 6	2 6	– 1 3	2 –
– 9 6	2 6	1835:		1 10 5	5 –	6 6 –	2 6	1 – –	5 6
– 19 –	2 6	2 – –	2 6	1 10 3½	2 6	1 – 11	2 6	– 13 –	2 6
– 17 –	2 6	3 5 –	5 –	– 7 2	2 6	– 3 6	2 6	– 11 6	2 6
5 9 –½	2 6	– 16 –	2 6	– 9 –	2 6	1 – –	2 6	1 8 9½	2 6
1 1 2	2 6	3 3 –	2 6	2 10 –	2 6	– 2 –	2 6	13 5 4½	2 5 –
– 10 –	2 6	3 10 –	5 –	1 2 –	5 –	– 11 3	2 6		
1 17 2	2 6	3 15 11	2 6	– 7 –	2 6	2 3 –	2 6		

	£.	s.	d.
Total of the Sums recovered for 1834 -	158	5	3
Ditto - - - - 1835 -	112	19	7½
Ditto - - - - 1836 -	91	3	3
Ditto - - - - 1837 -	13	5	4½
	£. 375	13	6

	£.	s.	d.
Total amount of Costs, 1834 - - -	14	–	–
Ditto - - 1835 - - -	13	–	–
Ditto - - 1836 - - -	8	5	–
Ditto - - 1837 - - -	2	5	–
43 dismisses and 19 appeals - - -	8	14	–
	£. 46	4	–

The power of distress exists, and is only levied where plaintiffs make affidavit that they are apprehensive of persons in debt to them being about to elope off the manor, when a distringas issues by the seneschal to seize on the goods, &c. "of the persons about to elope," which are to remain in safe custody or upon bail until the next court day, to which the defendant is summoned; and if decreed, the goods are not sold until said decree is affirmed by the second court.

The seneschal of this court is not a member of any legal profession, nor a magistrate.

Edward Dunne, Gent., Lord of the Manor.
William Drew, Seneschal.

Manors of Portarlington and Charleston.

By letters patent, dated 19th year of the reign of Charles 2, certain townlands therein mentioned, situated in the Baronies of Upper Philipstown and King's County, and Portnahinch, in the Queen's County, were created into two distinct manors, by the name and description of the manors of Portarlington and Charleston, with power to hold courts baron and record once every three weeks, before the seneschal, and to entertain pleas in all actions whatsoever, where the debt and damages should not exceed 200 *l.* sterling, and also a court-leet.

By the 25th Geo. 3, c. 44, a civil bill jurisdiction is given to manor courts in all cases of debt, assumpsit and account, not exceeding 10*l.*, and in all cases of quantum meruit, trover and trespass, or detinue, not exceeding the sum of 5 *l.*, and within these sums their respective pecuniary jurisdictions are limited; and by a subsequent Act, 7 Geo. 4, c. 41, the civil bill jurisdiction is given to any amount to which the jurisdiction of manor courts is limited by their constitution. The seneschal is empowered to postpone trials; and where the demand exceeds 10 *l.*, the trial shall not take place until the court day next after that appointed for the defendant's appearance. The title to lands not to be drawn into question, and the defendant entitled to any defence he might have in a court of equity. All cases are tried by a jury, and where the sum sued for shall not exceed 40*s.*, the court and jury may examine the plaintiff and defendant, or either of them, upon oath; the jury may also, by their verdict, apportion the payment of the debt by weekly or monthly instalments. The seneschal, if a barrister of three years standing, may withhold the issuing of the decree for three months. The courts for these manors were not held regularly for 17 or 18 years previous to the year 1836; the gentleman, who during that period was in office, being a solicitor, having considerable business in the superior courts, could not give up his time to the duties of it. The present seneschal was appointed in December 1835, since which period he has held seven courts for each manor. Since these courts have been thus regularly held, the business thereof has considerably increased, and is likely to progress, the people living within the jurisdiction thereof appearing to be well satisfied with the decisions of a tribunal so constituted; a court-leet is also held by the authority of the same patent, at which market and grand juries are sworn in. The particulars of the Returns appear by the schedule hereunto annexed.

1.—Charleston, King's County.

Places over which the Jurisdiction of same extends; with the distance of Places within such Jurisdiction from the Place of holding Manor Courts.	Date of the Patent or Charter granted to said Manor Courts.	Extent of their Pecuniary Jurisdiction, and how enforced.	Description of Cases Tried.	Extent of Power with regard to Imprisonment, and Number of Persons Imprisoned under Decrees.	Power of Distress, and how Levied.	Number of Courts held in each Year, and the Number of Courts Adjourned, and the Cause.	Number of Cases entered for Trial and the Number Tried; and the Number of Appeals from Decrees.	A Return of Fees Charged.	Amount of Sums Recovered and Costs during same Period, and Seneschal's Profession.
Comprising the following townlands, situate in the upper half barony of Philipstown and King's County: Killmalloge, being the King's County side of Portarlington, Bishop's Island, Graiguenafin, Rat Island, Gracefield, Shandra, Glass-house, The Sweep, Aruino, Rathmore, Kilkeeran, Cushwood, Garrihinch, Bordereen, Boroness, Benfield, Cloneyhurk, The Barracks, Cootticannon, Clonequin, Clonegown, Coolaravan, Backwood, Firnamona, Woodfield, Ballymacrossin, Gurteen, Ard, Bloomfield, Shraghniere, Derrykillane, Down, Agharville, Kilmalinoge, Ralrine, Ballinvoher, Retreat, Racefield, Nurney, Ballykeane, Ballintogher, Ballychristal, Raheenbeg, Rathfeston, Ballyduff, Ballinikill, Ballintemple, Lower Island to the Pike, Welch Island, Coolagoreea, The Derries, Kilbeg, Bonagappa, Garrimony, Raheenakeran, Tureen, Enaghan, Moonevare, Bogtown, Kilcappah, Dereen, Kilcooney, Cushiny, Cut Bog and Small Commons.	19 Chas. 2d.	£. 200; and in case a defendant shall be processed for any sum over 10*l.* the trial not to take place until the next court day. All cases tried have been under 10*l.*, with the exception of one, which was tried at the mutual desire of the parties, on the first court day. The decrees are directed to the special bailiff of the manor, and the amount levied off the defendant's goods.	Actions of debt for breaches of contract upon implied and express promises.	Under the patent, defendant may be imprisoned, but there being no prison within the manors, decrees are all taken out against defendant's goods.	By attachment of the goods and by civil bill decree.	The present seneschal being appointed only in December 1835, did not hold a court until the 16th of February 1836, since which period he has held seven courts for each manor; his predecessor, for several years previously, did not hold a court for either of the manors. There was no adjournment for any cause.	Cases entered for trial, 69; tried, 65. No appeals.	Fees charged upon each decree, inclusive of 1 *s.* for seneschal's signature to each process, 7*s.* 6*d.*, and upon each dismiss, 5*s.* 6*d.* The fees charged with respect to decrees are in pursuance of the Acts of 25 Geo. 3, c. 44, and 7 & 8 Geo. 4, c. 59; the fees with respect to dismisses charged under the former Act.	Sums recovered, 116*l.* 9*s.* 6*d.*, and the costs, from 16 February 1836 to 16 March 1837, about 30*l.* Barrister-at-law.

The distance of the most remote place within the said manor of Charleston, from Kilmalloge, where the court is held for said manor, is about seven miles, and about 11 miles from the quarter sessions court for that division of said county.

2.—Portarlington

2.—Portarlington, in the Queen's County and King's County.

Comprising the following townlands, situated in the Barony of Portnahinch, in the Queen's County:

Cooltaderry.	Coolatooder.	Spire Hill.	Tullahane.	Ballycarrol.	Courtwood.
Drughill.	Froe's Stile and	Kilbride.	Ballyshanduff.	Mount Henry.	Kilbracken.
Sallygrove.	Gough's Field.	Lough.	The Derries.	Kilmullen.	Rathrouskin.
Portarlington.	Ballymorris.	Garranacum.	Ashfield.	Clonany.	Coolroe.
Chritchley's Close.	Lawnsdown.	Doolough.	Ashgrove.	Ballintogher.	Rath and
Large Commons.	Carrick.	Porterstown.	Brackhill.	Killinure.	Clonad.
Derrymore.	Rockfield.	Tierhogar.	Ballynowlard.	Killilush and	Bellgrove.
Derrycush.	Deer Park.	Bracklin.	Glenmalier.	Bulnagre.	Ballyadden.
Whitefields.	La Bergerie.	Rathlish.	Springfield and	Jamestown.	Graigueavoreen.
Ware Close.	Ballymorris.	Huntington.	Rathmiles.	Fisherstown.	Hibe Hill.
Seskin.	Ship House and	Ballybrittas.	Closeland.	Belin.	

The following townlands, situated in the upper half Barony of Philipstown and King's County, are also within the Manor of Portalington:

Clunebeg.	Kilpatrick.	Ardallis.	Riverstown.	Ashfield.
Birbane.	Killeen.	Mayfield.	Rickardstown.	Sillet.
Loughaber.	Lughill.	Derryoghta.	Harristown.	Milorstown.

The distance of the most remote place within the said manor of Portarlington, from the Tholsel of Portarlington, where the court is held for the said manor, is about 11 miles, and about 23 miles from the quarter sessions town for the King's County.

Portarlington, 24 April 1837. *William Grange*, Registrar.

I certify that I believe the above return to be correct.

Dublin, 25 April 1837, 11, Talbot-street. *William F. Mara*, Seneschal, Barrister-at-law.

Manor of Shrewl.

Places over which the Jurisdiction of the Court extends, and the Distance of the farthest Place from the ordinary Place of holding the Court.	Dates of Patents or Charters; Extent of Pecuniary Jurisdiction, and how enforced, and what Description of Cases Tried.	Extent of Power with regard to Imprisonment; Number of Persons Imprisoned, and Jurisdiction of Prison.	Power of Distress, and how it is Levied.
Castlenoe, Ballynegall, Killagh, Cosane, Garrindenny, Kilgore, Clonbrock, Killnamore, Rosse, Narles, Tenesragh, Aghenacrosse, Cargin, Rathlig, Ffarininabin, Killcolokine, Killoge, Garrymore, Ffarnan, Coolenowle, Clonebeacon, Negarren, Qulleighe, Garogh, Ballynakillie, Gortitaugh, Bareneslate, Masenaclasagh, Emlogheatragh, Emloghoutragh, Doonane, Coolegrenan, Knockabracka, Ardeaghe, Derryleighe, Monevoskvalagh, Monovoybeg, Monovoymore, Crotyarda, Moyo, Torio, Monynnaninamery, Knockanmactere, Killahide, Garrynoe, Barrinhard, Farinduffe, Rossmore, Ballinkegan, Shrowle, Ballythormer, Ballycoline, Rathduffe, Garrybrickin, Aghatynan, Cappiscribodore, Rosnalgan, Garranseaghtragh, Garransoughtragh, Cloghcrigh, Glanballyfennie, Ballynogonought, Knockinchlaura, Loughniveghvanie, Ballythouder, Ballyrrahin, Boghernafeere, Cappenamerogh, Knockbeg, Cloghnamadrye, Grange of Kilmagobook, otherwise Monk's Grange, Ffarincullomoyle, Loghconnell, Ffierdonnell.	21 March, 11 Charles 1, to Robert Hartpole. 25 September, 26 Chas. 2, to William Hartpole. 30 September 1776, to Robert Hartpole and others. Any sum not amounting to 40*s.*, late Irish currency. Enforced by decree against goods only. Few cases, if any, have been tried which did not belong to the class of assumpsit, case, or trover; but the court has jurisdiction over every species of action which can be entertained by any manor court in England or Ireland.	It is probable this court has not the power of imprisoning; at least, it has not been exercised for many years, if ever. None have been imprisoned. There is no prison.	Attachments, grounded on affidavit, were formerly issued against goods, to be sold by auction on next court day but one after caption, if cause not adjourned; unless plaintiff settled with or his cause dismissed by court. The present seneschal, who is averse to this mode of proceeding, has issued only three attachments since his appointment, and has lately refused granting any.

(*continued*)

MANOR OF SHREWL—*continued.*

Number of Courts held; Number of Courts Adjourned for Non-attendance of Jurors, or other Causes; Number of Processes issued; Number of Cases entered for Trial; Number of Cases Tried; Number of Decrees and Dismisses; Number of Appeals from Decrees, and how many were Tried, and how many reversed in each Year, beginning from 31st December 1833; also Amount of Sums recovered and Amount of Costs, and Number of Cases in which Time was granted during same period.

Year.	Number of Courts held.	Number of Courts Adjourned.	Number of Processes.	Number of Entries.	Number Tried.	Number of Decrees.	Number of Dismisses.	Number of Appeals.	Amount of Sums Recovered.	Amount of Costs.	Number of Cases in which Defendant got Time.
									£. s. d.	£. s. d.	
1834	5	none	136	56	40	36	4	none	30 14 –	7 4 9	16
1835	6	none	119	50	44	37	7	none	30 2 –	7 3 6	22
1836	6	none	135	64	59	43	16	none	27 6 4	9 3 –	16

Return of Fees and other Charges.

	s.	d.
Process	1	–
Service of process	1	–
Entering plaint	1	–
Decree	2	6
Dismiss	5	6
Bond on appeal	1	–
Attorney attending and entering plaint	2	–
Compulsory summons, filing and service	–	6
Summoning jury, paid by seneschal	1	–
Bailiff, for executing a decree or dismiss	2	4

N. B.—Bailiff does not charge any poundage.

The seneschal supplies all the blank processes, decrees, appeals, notices, &c., gratis, except compulsory summonses.

Date of Seneschal's Deed of Appointment: Profession of Seneschal, and if Seneschal a Justice of the Peace.

The present seneschal was appointed by deed, bearing date 24th January 1832, by Charles Jones Bowen and John Lecky, esquires, and Martha Bowen, otherwise Hartpole, and Maria Lecky, otherwise Hartpole, their wives.

The present seneschal was called to the Irish bar Michaelmas Term 1834.

He is not a justice of the peace.

OBSERVATIONS.

Manor courts, when properly conducted, will always be popular, because they afford,

1. A cheap, expeditious and convenient mode of recovering small debts.

2. The benefit of a jury, to which the people are so greatly and justly attached.

3. The power of granting time to a distressed defendant, and allowing him to pay by instalments, when considered deserving of such indulgence.

It is to be regretted that a simple mode for enforcing the attendance of jurors was not given by the 25 Geo. 3, c. 44, like that in regard to witnesses.

It is conceived to be a hardship on suitors, that they cannot recover the costs incurred by enforcing the attendance of material witnesses, and that they cannot appeal to the oath of each other.

The distance of the farthest of these places from the court-house of Newtown, where the manor court is always held, is at least nine miles.

John Dallas Edge, Seneschal.

COUNTY OF ROSCOMMON.

Manor of Boyle.

1. Ordinary Places of holding Courts.	2. Places over which the Jurisdiction of the Court extends, and greatest Distance from Place where Court is held.	3. Dates of Patents or Charters.	4. Extent of Pecuniary Jurisdiction, how enforced, and what Description of Cases Tried.	5. Power with regard to Imprisonment, Number of Persons Imprisoned, and Description of Prison.	6. Power of Distress, and how Levied.	7. Number of Courts held in each Year, since 31st Dec. 1833.	8. Number of Courts Adjourned for non-attendance of Jurors, or other Causes.
Town of Boyle, county of Roscommon (only).	(A.) 212 denominations of land, in the counties of Roscommon and Sligo, as granted to Sir John King, bart., by patents of 20th November, of 14th and of 7th January, of 16th of James 1. Part of these lands are 30 miles from Boyle, but suitors do not attend who reside at a greater distance than eight miles.	20th Nov. and 7th Jan., in the 14th and 16th years of the reign of James 1. to Sir John King, bart.	Jurisdiction limited to 3*l.* 6*s.* 8*d.*; enforced by process, and, if decreed for, is levied by sale of defendant's goods, at plaintiff's peril. Small debts, not exceeding 3*l.* 6*s.* 8*d.*, as above. Nothing recoverable if debt is not contracted within the limits of the manor.	None.	Seizure of the defendant's goods after decree issues, and sale thereof, after a lapse of one month, by advertisement and public auction, in five days after seizure.	1834 - 12 1835 - 12 1836 - 12	None.

9. Number of Cases entered for Trial.	10. Number of Cases Tried.	11. Number of Appeals from Decrees.	12. Number of Appeals Tried.	13. Number of Decrees Reversed.	14. Amount of Fees Charged.	15. Sums Recovered on the Cases tried.	16. Amount of Costs.	17. Courts the Seneschal or Stewards of which are Members of any and what Legal Profession, or Justices of the Peace.
						£. *s.* *d.*	£. *s.* *d.*	
1834 - 876	116	5	1	None	5*s.* 6*d.* on each case tried, and 1*s.* on each case entered for trial.	220 11 -½	69 18 -	None.
1835 - 965	92	None.	- -			180 - 8½	68 19 -	
1836 - 1048	114	12	- -			229 15 6	78 1 -	

(A.) Names of Townlands referred to:

Ardgowar, Ardease, Ardkeena, Ardkeen, Ardmahane, Ardcorkeran, Ardmore, Aughagrange, Aughrefinigan, Ardmoyle, Aughacarra, Aughagowla, Anoghmonaghan, Ballytrasna, Ballykevican, Ballybane, Ballinfull, Ballinanoltagh, Ballinvogher, Boyle, Brislogh, Carrowmore, Carrownashell, Carrickmore, Carrigeenagowna, Cloontikeilew, Clooneybryan, Clogher and Gloria, Coolnagranchy, Copse, Cornameeltha, Cornecartha, Curnaveigh, Curnagoppell, Coltebrannock, Cultecreighlane, Curnaglea, Deerpark, part of Doonamace, Doon, Drimcormick, Drimdoe, Drimanone, Drimcroniel, Drimshonagh, Derrymaquirk, Upper Erris, Lower Erris, Errorona, Evekeens, Esky, north of Esky River, Famagallagh, Finisklin, Garrow, Grallagh, Grange, Grevish, Grangemore, Granny (East), Granny (West), Harepark, Karkfree, Knockarush, Knockavroe, Knockadoo, Knockacalleen, Knockroe, Kilmacroy, Kingsland, Knocknacleigh, Leam, Lecarrow, Lisseymulhere, Lisgrehane, Lugnagun, Lugnamudda, Castlefinoge, Osna, Pigeon Meadow, Pulower, Rathdevine, Rusheens, Rinneruddane, Rockingham, Shemohill, Shegory, Smutterna, Taunentaskin, Tauneneden, Tintagh, Tivanagh, Tivoghrevagh, Tonroe, Tournagee, Tullyboy, Tullyvaghan, Tynecarrow, Tullaghan and the Warren, all situate in the barony of Boyle, and county of Roscommon.

Ardmile, Anoghmuckenarogh, Ardgallon, Ardsoran, Ardlona, Ardmolin, Anogh, Ballybane, Carrownurlar, Carranane, Cashell, Cloonlough, Cloonsilla and Cullard, Carrowreagh, Cloonaghleane, Clooncunny, Cloonticarne, Copenagh, Derrymore Island, Derrybeg (East), Derrybeg (West), Derrybeg Islands, Dunvaniel, Deronogheran, Emlagh, Faleens, Gurteen, Kilstroghlane, Lumcloon, Lisserlough, Monasteraden, Mehanagh, Moygara, Mulloghroe, Rathtarmon, Ratina, Scragh, Tannymucklagh and Taurane, situate in the half barony of Coolavin, and county of Sligo; and Cargin, Killaville, Treenscrabbagh, Treenmacmurtagh, Treenmore and Templevanny, situate in the barony of Corrin, and county of Sligo; Andrusna, Ardcomer, Ballindoon, Ballinful, Barroe, Carrowkeel, Cloghminagh, Couloughteragh, Coolnamowneen, Carraglass, Cabragh, Dromore, Duff's Cartrow, Drimdoney, Garvock, Heapstown, Kilcare, Kilmacroy, Knockacoppall, Kingsborough, Lissecoine, Learden, Moyter M'Donough, Mulloghfarne, Mountown, Rathaglass, Drumrane, and Rinatruan, situate in the barony of Tirerell, and county of Sligo; Anoghs, Chrisocane, Cloongah, Castlecoragh, Drimeny, Ivanogh, Lurgy, Meenamaddee, Meenaghleigh, Meenaghleragh, Turloghgloss and Taunnyneilan, situate in the barony of Liney, and county of Sligo; Ballentine, Ballybeg, Carrowmorris, Carrowcotent, Corcash, Cabraghmore, Coilare, Carrownedin, Carrowhebback, Upper Drum, Lower Drum, Drinaghahambeg, Drinaghanmore, Frankfort, Falfin, Kinnard, Liffeny, Lacknasheve, Mulroe, Magherabiack, Portavade, Quigeboy and Quignalatrey, situate in the barony of Tireragh, and said county of Sligo

Boyle, 14 April 1837.

Thomas Eruen, Seneschal.

Appendix (A.)

Roscommon.

Manor of Frenchpark.

Manor of Frenchpark.

The Places over which Jurisdiction extends?

The entire of the estates of Arthur French, Esq., of Frenchpark, which estates are situate in the counties of Roscommon, Mayo, Sligo and Galway.

The greatest Distance of any Place within such Jurisdiction from the ordinary Places of holding Courts?

About nine miles.

Date of Charter?—Second day of June, ninth year of the reign of Queen Anne.

Extent of Pecuniary Jurisdiction of Charter?—£. 20.

How same is enforced?—By execution against the goods.

What Description of Cases are tried?—Civil bill.

Extent of Power with regard to Imprisonment?—Doubtful.

The Number of Persons imprisoned under Decree?—None.

Does Power of Distress exist?—Power of distress does exist.

How is Distress levied?—Against the goods.

1. YEAR.	2. Number of Courts.	3. Number of Cases entered for Trial.	4. Number of Cases Tried.	5. Amount Decreed for.	6. Number of Courts adjourned for Non-attendance of Jurors, &c.
				£. s. d.	
1834	13	62	61	87 10 –	none.
1835	13	83	83	45 5 10	none.
1836	13	120	120	96 1 2½	none.
To March 1837	3	69	53	49 12 7½	none.

7. Number of Appeals from Decrees.	8. Number of Decrees reversed.	9. Fees Charged.	10. Amount of Costs during same Periods.	
		s. d.	£. s. d.	
1834 - 2	1	process - 1 –	24 19 6	In which are included all processes issued which were not entered for trial.
1835 - 1	none	entry - 2 –	30 13 –	ditto.
1836 - 1	none	decree or dismiss - 2 6	47 2 –	ditto.
1837 1	none	5 6	26 9 –	ditto.

Frenchpark, 22 April 1837. *Thomas Daly*, Marshal.

COUNTY OF SLIGO.

Sligo.

Manor of Arturmon.

Manor of Arturmon.

The extent of jurisdiction in the manor court is 10*l.*; the mode is to process, and try by jury, and their verdict is final; we can process for debt or wages under 10*l.*; my decree is issued for the goods or chattels; the extent of my manor is about seven miles; the fees are 5*s.* the decree. Since the commencement of the petty sessions, manor courts have considerably fallen off, and I have not held a court for some years past; the manor courts are held in some places every two months; there were no appeals from my decrees, only one, which was never tried. Annexed I send a copy of my appointment.

James Foley, Seneschal.

Copy of Appointment of Seneschalship made by Sir *Robert Booth Gore* to *James Foley*.

To all to whom these presents shall come:

I, Sir Robert Gore Booth, bart., of the manor or manors of Arturmon, send greeting: Know ye that I, the said Sir Robert Gore Booth, bart., have given, granted and confirmed, and by these presents, as far as in me lies, and that I may lawfully, do give, grant and confirm unto James Foley, in the county of Sligo, the office and place of seneschal of all and singular the said lordships and manors; and do hereby constitute, ordain, nominate and appoint

appoint him, the said James Foley, seneschal of the said manors, there to keep and hold all courts baron and courts leet, and all other courts belonging to said manors, as the same have been accustomed to be held in, used and kept within said manors, in such sort, manner and form, and at such places and days and times as they have been heretofore usually kept and holden, together with the correction, government, amotion and appointment of all inferior officers of the said courts; to have, hold, execute, use, occupy, possess and enjoy the office and place of the said manor of Arturmon, and all the powers and privileges aforesaid, to the said James Foley, or his sufficient deputy, and to take and receive all and singular the fines, amerciaments, profits, fees, reward, wages, advantages and emoluments to the said office of seneschal belonging or in anywise appertaining, or at any time heretofore used and accustomed to be paid, rendered for or by reason of the said office of seneschal, for and during the time, will and pleasure of Sir Robert Gore Booth, and his heirs, to the said James Foley, and his heirs, in such office of seneschal of said manor of Arturmon.

Manor of Arturmon.

In witness hereof, I the said Sir Robert Gore Booth have hereunto set my hand and seal this 24th January 1813.

(signed) *Robert Gore Booth.*

Signed, sealed and delivered in presence of *Peter Henry.*

Manor of Markree.

Manor of Markree.

1.—The Places over which the Jurisdiction of the Court extends?

Calloony, Nooklegg, Morcree, Ardunly, Rathgroner, Carawreen, Mullaghbryan, Templebrugh, Knockroe, Lessmahanna, Cashill, Ardskeiery, Ardlase, Russecon, Carousbrane, Knockeeron, Cloomnagh, Kilholagh, Lisnagilee, Gaddon, Doury, Caraundoghey, Cloragh, Tourcludane, Corauregou, Lessarecullen, Carowtemple, Tawnomore, Cloghebrack, Ardkeerin, Carickbone, Castlebaldeen, Kincrinin, Clooracuny, Coughreagh, Cooledargone, Coraukul, Castlerilly, Rasconlon, Lessuagarry, Lessuaclury, Coroubruone.

2.—The greatest Distance, &c. from the ordinary Places of holding such Court?

About 11 miles; though the names of five of the latter townlands are in the patent, they never process, the distance being too far.

3.—Date of Patent?

Bears date the 27th of May, in the second year of the reign of his Majesty James 2.

4.—Extent of pecuniary Jurisdiction?—£.5 late Irish currency.

5.—How enforced, and what description of Cases tried?

A process is issued by the seneschal, specifying the day the court is held; the parties appear; a jury of 12 men is empanelled; the case is heard; the jury give a decree or dismiss, as the case may be; the processes generally are for goods sold and delivered; for use and occupation of houses, &c.; cash lent; rent of conacre, &c. &c. &c.; the decree or dismiss is executed by the bailiff of the court.

6.—Extent of Power regarding Imprisonment?

This court has the power of imprisoning; but as there is no place of confinement in the manor, it is never acted on.

7.—Number imprisoned?—None.

8.—Whether the Power of Distress exists, and how levied?

The seneschal grants an action on the goods and chattels of the defendant, if found in the manor, on oath of the plaintiff to the amount due; the defendant enters bail for his appearance in two sureties to appear at the next court; the case is tried by 12 men (jurors); if a decree, and the money not paid, the two sureties are processed to the next court for the amount of the decree and cost; the decree given to the bailiff.

9.—Number of Courts held from 31st December 1833 to the 6th of April 1837?

Twenty-seven.

10.—Number of Courts adjourned for Non-attendance of Jurors or other causes?

Five. Two courts adjourned, no business to be done, and three on account of the sickness of seneschal.

11.—Number of Cases entered for Trial, and Number tried?

One hundred and ten for trial; 22 not tried.

12.—Number of Appeals; how many tried; how many reversed?

One appeal; affirmed.

13.—Amount of Fees charged?

	s.	*d.*
To seneschal for signing said process - - -	1	—
Entering said process - - - - - -	1	—
To bailiff for waiting on jury - - - -	1	—
To seneschal for signing decree - - - -	2	6
	5	6

14.—The Sums recovered, and Amount of Costs?

Sums recovered, 92*l.* 19*s.* 9*d.*; costs, 29*l.* 11*s.* 6*d.*

15.—Seneschal having any legal Profession or Justice of the Peace?

Has no legal profession; is no magistrate.

W. Collis, Seneschal.

COUNTY OF TIPPERARY.

Manor Courts of Caher, Rehill and Castlegrace.

1. Places over which the Jurisdiction of each Court extends.	2. Greatest Distance of any Place within such Jurisdiction from the ordinary Place or Places of holding such Court.	3. Return of Dates of Patents or Charters granted to such Courts.
Manor of Caher: Caher Abbey. Ballingeary. Cloughscaine. Keilinure. Morris Land. Hussesytown. Ballynloghane. Ballinagarrane. Naglesland. Rathmore. Whitesland or Whitechurch. Ballinamahalla. Harris Land. Moorestown. Drunderrene. Mageonsland. Loughlohera. Ballybradda. Fearranadine. Saulsland. Kilmalogue. Ballydrennan. Knockaslane. Barnord. Clonacodie. Ballinahalla. Killgowlate. Ballyhennebry. Bregogue. Rouska. Shanecknock. Kilemly. Balindoney. Cronovone. Barron's Land. Ballyalwoor. Ballinguilmore. Scartaghbegg. Keilgouroe. Keylong. Ballinleyney. Clonbrogane. Ballymount-redmond. Cloghbridy. Farranacottie. Nicolansland. Bealorokamore. Knockgraffon. Gortaroherduffe. Keilviscgie. Keilshyhearnagh. Kedragh. Ballymacadam. Killowlan. Inish Brick. Mortlestown. Newtown. Cloghnacullie. Ballyphuillihy. Castlequoyne. Ferraneshamkine. Knockanedownshire. Bortneclough. Woodingstown. Gortgarry. Correbelly. Rathduffe. Knockfye. Keilclogy. Rathogeally. Rathogeally. Suttonrath. Keilbrecane. Teabraghnye. Ballylegan. Banemore. Adamstown. Knockagh. Ballynoe. Ballye. **Manor of Rehill:** Tubrid. Ballyhoghane. Clogheenavodologhy. Curraghatore. Burgess. Ballynomasna. Barnelesnilihy. Barnaby. **Manor of Castlegrace:** Gurtacullin. Carragawnore. New Grange. Raheesigearah. Tullahortan. Garrangibbin. Ballinknockran. Tully. Ballinahalla. Garrydorea. Dahill. Ballinfleming. Ballinahallamore. Garryduffe. Knockatore.	- The ordinary places of holding the manor courts are at Caher, Rehill and Castlegrace. The greatest distance within the jurisdiction of Caher is four miles; Rehill, three miles; and Castlegrace, six miles.	- Letters patent were granted in the 15th year of the reign of Chas. 1, to Jas. Lord Baron of Caher, and his heirs for ever, authorizing the holding of manor courts, courts leet and frankpledge.

4. Return, pointing out the Extent of their Pecuniary Jurisdiction.	5. How it is enforced, and what description of Cases are tried.	6. Return, pointing out the Extent of their Power with regard to Imprisonment.	7. The Number of Persons Imprisoned under their Decree.	8. Whether Prison be one of peculiar Jurisdiction.	9. Whether Power of Distress exists, and how it is levied.
The extent on the recovery of debts is 5*l.* Irish by book account, and 10*l.* Irish by promissory note.	- - Enforced by the seneschal's decree or warrant, which is issued after a trial is had before the seneschal and 12 competent persons, who are sworn as jurors. Nothing is tried but actions for debt.	None - -	None - -	None - -	- - Power of distress exists; for after the sitting of the respective courts the decrees are issued under the hand and seal of the seneschal, and given by him to his bailiff, who makes distress on goods; and if the debt be not paid in four clear days from the seizure, he sells the same by public auction.

10. Return of the Number of Courts held in each Year, beginning from the 31st December 1833.	11. The Number of Courts adjourned for Non-attendance of Jurors, or other Cause.	12. The Number of Cases entered for Trial.
23 Manor courts in Caher, 22 in Rehill, and 18 in Castlegrace, as per following Return:	None - -	- - 1,094 in Caher, Rehill and Castlegrace, in addition to the number of cases which are or may be entered for trial. There are over 1,500 extra summonses issued each year, for which seneschal is entitled to 1 *s.* on each.

CAHER.

	Entries.
1. 2 Jan. 1834	27
2. 24 Feb. —	38
3. 27 Mar. —	15
4. 22 May —	25
5. 28 July —	13
6. 15 Sept. —	19
7. 21 Oct. —	27
8. 29 Dec. —	45
9. 26 Feb. 1835	45
10. 30 Mar. —	18
11. 27 May —	28
12. 10 Sept. —	27
13. 15 Oct. —	23
14. 28 Dec. —	61
15. 18 Feb. 1836	39
16. 5 April —	22
17. 16 May —	20
18. 15 Sept. —	34
19. 17 Oct. —	40
20. 3 Jan. 1837	40
21. 16 Feb. —	47
22. 6 Mar. —	31
23. 8 April —	26
23 - Caher -	710
22 - Rehill -	274
18 Castlegrace	110
63 - Total -	1,094

REHILL.

	Entries.
1. 3 Jan. 1834	11
2. 25 Feb. —	6
3. 1 April —	8
5. 16 Sept. —	6
6. 22 Oct. —	6
7. 30 Dec. —	30
8. 27 Feb. 1835	13
9. 31 Mar. —	9
10. 28 May —	21
11. 11 Sept. —	8
12. 16 Oct. —	9
13. 29 Dec. —	13
14. 19 Feb. 1836	27
15. 6 April —	10
16. 17 May —	13
17. 16 Sept. —	10
18. 18 Oct. —	13
19. 4 Jan. 1837	21
20. 17 Feb. —	11
21. 7 Mar. —	10
22. 10 April —	11
22	274

CASTLEGRACE.

	Entries.
1. 26 Feb. 1834	4
2. 24 May —	8
3. 17 Sept. —	5
4. 23 Oct. —	2
5. 31 Dec. —	11
6. 28 Feb. 1835	5
7. 12 Sept. —	3
8. 17 Oct. —	7
9. 20 Dec. —	6
10. 20 Feb. 1836	7
11. 7 April —	10
12. 18 May —	6
13. 17 Sept. —	3
14. 19 Oct. —	6
15. 5 Jan. 1837	6
16. 18 Feb. —	9
17. 8 Mar. —	9
18. 11 April —	3
18	110

13. The Number of Cases Tried.	14. The Number of Appeals from Decrees, stating how many were tried and how many Decrees were reversed.	15. Return of Fees charged, the Sums recovered, and the Amount of Costs during the same Period.	16. Return of such Courts, the Seneschal or Steward of which are Members of any, and what, legal Profession.
1,838 in Caher, Rehill and Castlegrace.	- - 15 appeals have been lodged, eight of which have been tried, and but three reversed.	- For all the decrees which have been issued from the respective manor courts, the amount has been paid, and the fees upon each decree is 3 *s.* 6 *d.* to the seneschal.	- - Caher, Rehill and Castlegrace, the seneschal of which is a solicitor.

James Barry, Seneschal.

MANOR OF EVEROD'S CASTLE.

1. —	2. Number and Names of Townlands over which the Jurisdiction of Manor of Everord's Castle extends.	3. Places of holding Court.	4. The greatest Extent of Jurisdiction from where the Court is held.	5. Date of Patent.	6. Pecuniary Jurisdiction.	7. How it is enforced.	8. Description of Cases tried.	9. How Distress is levied.	10. Number of Courts held in each Year specified.	11. Number of Courts adjourned for Non-attendance of Jurors.	12. Number of Cases entered for Trial.	13. Number of Cases Tried.
1	Clogheen.	Clogheen.	Eight miles.	—	£. 10 Irish.	By process	Bills, notes, accounts, &c. &c.	By decree on goods and chattels.	1834 - 11	none	1834 - 86	1834 - 72
2	Heathfield.								1835 - 13		1835 - 97	1835 - 90
3	Boherbue.											
4	Shanrahan.								1836 - 14		1836 - 90	1836 - 82
5	Flemingstown.											
6	Bongo.											
7	Killeating.											
8	Springmount.											
9	Killcorroon.											
10	Areglin.											
11	Carrickmore.											
12	Crana.											
13	Glincallaghan.											
14	Killenaugh.											
15	Shanbally.											
16	Burnt Court.											
17	Fourbeg.											
18	Fourmoore.											
19	Alis Killanaugh.											
20	Raheen.											
21	Ballysheehan.											
22	Inch.											
23	Kilbeg.											
24	Scart.											
25	Koolnaguinshea.											
26	Ballyboy, Upper.											
27	Ballyboy.											
28	Killballyboy.											
29	Doon.											
30	Doonaknikeen.											
31	Glounaknieve.											
32	Scart-na-Barn.											
33	Gaultabeg.											
34	Clashatooka.											
35	Coolnanieve.											
36	Coolnagielshea.											
37	Grague.											
38	Gurtacullin.											
	The above comprise the parish of Clogheen, Shanrahan, Ballysheehan, and part of the parish of Tullahorton.											

14. Number of Appeals from Decrees.	15. Number of Appeals returned for Trial to Assize.	16. Reversed.	17. Number of Processes served in each Year.	18. Sums recovered in each Year.			19. Amount of Costs in each Year.			20. Fees charged on each Decree.
				1834.	1835.	1836.	1834.	1835.	1836.	
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1834 - 4	1834 - 3	none	1834 - 646	176 2 10½	162 8 10	196 7 10	23 13 –	26 13 6	24 15 –	– 5 6
1835 - 8	1835 - 5		1835 - 790							
1836 - 6	1836 - 4		1836 - 754							

No legal profession.

Henry O'Brien.

COUNTY OF TYRONE.

Manor of Arleston.

Manor of Arleston.

The jurisdiction of this court extends over 44 townlands, comprising 103 denominations, in the barony of Omagh. The greatest distance of any place within such jurisdiction from Omagh, the ordinary place of holding the court, does not exceed three miles. The patent constituting the manor was granted by King Charles 1, and bears date the 6th June 1631. The extent of the pecuniary jurisdiction of this court is 40*s.* in all cases of debt and detinue, and upon the case, and its judgment is enforced by a decree, in the nature of a civil bill decree, to be levied only off the goods of the party. This court has a power of distress, and such is sometimes resorted to when there is an apprehension that the goods of a debtor may be removed from the manor; the proceeding is by distringas directed to the bailiff of the court. The court has been held 17 times in each year, beginning 31st December 1833, and by patent is held "from three weeks to three weeks." This court has not been adjourned during that period, except in cases of illness of the seneschal, and never for non-attendance of jurors. The number of cases entered for trial varies from 20 to 80, and on an average 30 cases have been adjudicated upon each court day. There has been one appeal from the decrees of this court during the last six years, and the decree appealed from was affirmed. The fees payable in this court are 5*s.* 6*d.*, and amount in the whole from the above date to the sum of 382 *l.* 15*s.* 6*d.* The sums recovered in the same period amount to 1,875*l.* 10*s.* 4*d.*, and the costs upon proceedings during the same period amount to 396*l.* 10*s.*, being at the rate of 5*s.* 6*d.* upon each decree, and a like sum on each dismiss. The seneschal of this court is not a justice of the peace or a member of either branch of the legal profession.

George Bradley, Seneschal.

Manor of Annesley, otherwise Orritor.

Manor of Annesley, otherwise Orritor.

1.—The manor of Annesley, otherwise Orritor, is about 10 English miles in length, and the manor court now is, and generally has been, held in the town of Orritor, which is situated nearly in the centre of said manor, and the greatest distance therefrom, within the jurisdiction of the court, is about five English miles, or perhaps something more.

2.—The patent for holding said court was granted by King James 1, by letters patent, bearing date at Dublin, 9th day of January, in the 16th year of his reign.

3.—The pecuniary jurisdiction of said court extends to 40*s.* Irish currency.

4.—The manor bailiff of the court, in the execution of decrees, is empowered to seize the goods and chattels of the defendant to satisfy the debt and costs due to the plaintiff, with a further power to have such goods and chattels so seized sold in due time, by public auction, and the overplus (if any), after payment of debt and costs, to return to the defendant.

5.—The description of cases tried in said court are, for goods sold and delivered, cash lent, money due by promissory note, rent due by cottiers to those under whom they derive, damages sustained in goods and chattels, bog-rent, &c., &c.

6.—The powers vested in this court do not extend to arrest or imprisonment.

7.—The power of distress exists in this court, and goods and chattels may be seized under the manor court decree, or renewal thereof.

8.—For time immemorial there have been 12 courts held in this manor in every year, with few exceptions, in consequence of its great extent, and the vast number of cases requiring such monthly courts.

It may also be necessary to observe, that the present seneschal was nominated to office in the year 1836, and therefore he is unable to give direct answers to the queries in said circular touching the business of the court, previous to the 4th August 1836, (being the day on which said seneschal held his first court,) inasmuch as the former seneschal, either cannot, or will not, give the necessary information from the time required in said circular up to the time of the present seneschal's appointment. Since that time, however, (which is now eight months) there has been no court adjourned for non-attendance of jurors, or other causes.

9.—The number entered for trial (which never happens sooner than when the jurors are empanelled) in the space of said eight months was 97 cases, of which 87 were tried.

10. There were no appeals from decrees during said eight months, and probably not one since 31st December 1833; and the number of processes issued out in that time were about 350 pair, for which 1*s.* for each pair was charged by the seneschal, and in case of decree or dismiss, an additional sum of 4*s.* 6*d.* was charged; making the cost of each decree or dismiss, including the charge for process, 5*s.* 6*d.* The sum charged by the present seneschal for each entry is 1*s.*; for each renewal of decree, 6*d.*; for each bail-bond, in case of distringas, or otherwise, 1*s.*; and for each distringas, 4*s.* 6*d.* The sums received for cost of processes during said eight months, including the cost of distringases, amounted in the aggregate to 19*l.* 6*s.*, or thereabouts, and for entry of trials, decrees and dismisses, the sum of 20 *l.* 1*s.* 6*d.*; making in all 39*l.* 7*s.* 6*d.* in the space of said eight months. The sums recovered by decrees in the same space of time amounted to 49*l.* 12*s.* 7*d.*, besides five times the latter sum, at least, obtained by distringases and processes, without further law proceedings.

 11.—The

Appendix (A.)

Tyrone.

Manor of Annesley, otherwise Orritor.

11.—The seneschal of this manor, whose name is underwritten in his own handwriting, is land-agent to several estates, but is not a justice of the peace, nor does he belong to any legal profession.

12.—Admitting that the business done in said court for the space of the last eight months is a fair criterion to judge by, and discover the annual quantity of business transacted therein, the number of processes issued out annually on an average, for the years 1834, 35 and 36, might be about 525 pair. The annual number of cases entered for trial in each of the said three years might be about 145, and the yearly cases tried about 130; consequently the annual average amount of fees charged since the 31st December 1833 might have been about 59*l.* 9*s.*, in accordance with the above calculations and admissions, and the annual sums recovered by decrees in each of the said three years about 74*l.* 8*s.* 10*d.*, exclusive of at least five times the latter sum recovered annually, as the seneschal has reason to believe, by distringases and processes alone, without entries or decrees.

It may also be necessary to observe, that it has been usual in every manor court in Ireland (particularly in 40*s.* courts) for the seneschal to issue out distringases in cases of absolute necessity, to enable creditors to attach the goods and chattels of debtors, when such creditor passed an oath that he had just reason to apprehend that the debtor was about to elope from the neighbourhood, by which means debts have been frequently recovered that otherwise would have been lost to the creditor for ever, if no speedier remedy could be resorted to than the result of an action at the quarter sessions of the peace, which creditors, in innumerable instances (in desperate cases), would never be able to accomplish.

In conclusion, the seneschal of said manor would beg leave to observe, that the several plaintiffs and defendants, whose cases are tried in said manor court by jurors with whom they are acquainted, and in whose veracity they can place implicit confidence, lose only a few hours in knowing the result of their several actions, at small expense, as the town where the court is held is surrounded by the places of residence of those who belong to its jurisdiction. Whereas, if such cases were determined in Dungannon, being the nearest quarter sessions town to the manor aforesaid, it would oblige the parties in every case, and often for trifling sums, to perform a journey (going there and returning home) not less than from 20 to 25 miles, and in all probability lose as many days at such quarter sessions as an equal number of hours would accomplish at the manor court, at less than one-fourth of the expense and loss of time.

All which I certify this 10th day of April 1837.

James M'Neece, Seneschal.

Manor of Artrea.

Manor of Artrea.

The court is held in Cookstown, in the county of Tyrone; and the number of townlands in said manor is 138, or thereabouts:

Broughderig, Slatfreland, Davock, Dunmore, Ballinagilley, Crieve, Drumany, Lessagh, Mullaghwhatra, Donaghrisk, Crevagh, Clenteyganey, Tamnaghheagan, Unagh, Colreagh, Drumgrass, Burchkill, Feyarn, Lessan, Tullynure, Dirnan, Tenlagh, Knockadoo, Canneens, Ballygonney, Drumard, Kellybaskey, Muff, Rossmore, Tatnagtta, Corrick, Moboy, Ballybrust, Magherascullan, Clegan, Letteran, Derrygarmort, Ballymurphy, Ballymullay, Kerrydaragh, Drumbonawy, Carkerry, Killymurphy, Mullagh, Messagh, Crossdaragh, Ballinahone, Derrygonagan, Tullywierey, Tullyragh, Tullyveagh, Tevenagh, Clegan, Tullyhurkin, Lissboy, Tesscausay, Lissinhall, Edernagh, Iniskillin, Kinturk, Anulerburg, Anutersmore, Ardean, Clanbir, Kinrush, Clento Quin, Clento Wilkinson, Clento Richardson, Lessagh, Farsagnagh, Kiltagh, Anaghmore, Anagh Taque, Ataghanam, Gortacar, Tullagh, Clagan, Cookstown, Drumraw, Tullyard, Clare, Killycolpe, Desertcreat, Donaghhenry, Cloughfin, Artpatrick, Gortecloghhu, Shankey, Cavin, Duraw, Tullyfaughen, Curglassen, Kilmoon, Breagh, Soran, Gortnaskeagh, Legmurn, Crattley, Lissleagh, Lack, Less-o-Clare, Killin, Aughadrumderag, Killarry, Aughagulta, Braghagh, Magheraglass, Ballagh, Killdress, Turkvallan, Ballydawley, Lesspatrick, Crossmarea, Finan, Tullygar, Ballymenagh, Cremfield, Drumcraw, Drumgarroll, Newbuildings, Monrush, Colinahavell, Killymaur, Drunhew, Derryloran, Ardcunber, Killygonell, Lerreycormick, Derrighrin, Uppermullan, Lower Mullan, Ruskey, Ballynewery, Tamlaght, Drummullan, Little-bridge, Drumads and Ballinderry.

2.—The greatest Distance from where the Court sits?

East of Cookstown, nine Irish miles; west of ditto, nine and one-half miles; north, five miles; south, seven and one-half miles.

3.—Return of the Dates of Patents or Charters granted to such Courts?

I refer you to his Grace the Lord Primate of all Ireland for the date of patent or charters.

4.—Return, pointing out the Extent of their pecuniary Jurisdiction?

Charter empowers the court to issue a decree for the sum of 5 *l.*, late Irish currency.

5.—How it is enforced?

By seizing the goods of the defendant, and advertising them for four clear days before the day of sale.

6.—What description of Cases are tried?

Goods sold and delivered, unsettled accounts, promissory notes, lent cash, rents, &c.

7.—Return

7.—Return, pointing out the extent of their Power with regard to Imprisonment?
No power to imprison.

8.—The Number of Persons imprisoned under their Decree?
Not having power, none imprisoned.

9.—State whether the Prison be one of peculiar Jurisdiction?
No prison in the manor.

10.—Return, stating whether Power of Distress exists, and how it is levied?
In general distress exists, and seized by virtue of decree.

11.—Return of Courts held in each year?
In the year 1834, 12 court days; and in the year 1835, 12 courts; in the year 1836, 12 courts; and in the year 1837, three courts held.

12.—The Number of Courts adjourned for Non-attendance of Jurors, &c.?
None adjourned.

13.—The Number of Cases entered for Trial from the 1st of January 1834, and ending on the 27th day of March 1837?
Cases entered during said period, 457; and the number of cases tried, 445.

14.—The Number of Appeals from Decrees?—Appeals 94 during the aforesaid time.

15.—How many Appeals were tried?
I believe, from all inquiries, I can ascertain that there were about 19 appeals tried.

16.—How many Decrees were reversed?—I believe not more than five.

17.—Return of Fees charged?
Entry, 1*s.* 6*d.*, including service of process to bailiff; and 4*s.* for trial and issuing decree.

18.—The Sums recovered?—In general the sums are all recovered on the decrees.

19.—Amount of Costs during the said Period?
The costs of decrees and appeals during said period amount to the sum of 120*l.* 10*s.*, or thereabouts, not including the entry or issuing of the processes that in many instances do not come before the court.

20.—Return of such Courts, the Seneschal or Stewards of which are Members of any and what legal Profession?
Late a woollen-draper, and now living privately.

21.—Justices of the Peace?—Not any.

I believe the above answers to be correct, as far as I know.

John Collins, Seneschal.

MANOR OF BENBURBE.

Manor of Benburbe.

THE greatest distance of any place within the jurisdiction of the court baron from the village of Benburbe, where the court is held, is about six English miles.

The date of the patent granted to the said court is the 3d of December, in the 8th year of James 1.

The extent of the pecuniary jurisdiction, and the description of cases tried, are "all and singular such matters and things, and in the same manner and form as in any court baron within our kingdom of England, or within our said kingdom of Ireland, might or ought to be inquired of." "To hold pleas of all and singular actions, trespasses, covenants, accounts, contracts, detinue, debts and demands whatsoever, which in debt or damages exceed not the sum of 40*s.* sterling."

There is no power of imprisonment, or if there be, it has not been exercised.

The power of distress exists; levied on goods and chattels.

Having but lately undertaken the duties of seneschal, I cannot give a return of the number of courts held since the 31st December 1833.

My first court was held on the 10th February 1837.

The number of cases entered for trial on that day was 12, which I believe is about the monthly average.

The number of cases tried amounted to 10.

There were no appeals.

The fees charged are in strict accordance with the 25th of Geo. 3, c. 44, s. 8.

The sums recovered amounted to 10*l.* 1*s.*

The amount of costs, 4*l.* 6*s.*, including 17 summonses, for cases not brought to trial afterwards, and the cost of one distringas.

The court for March was adjourned; I was then on the grand jury at Buagh.

The next court will be holden, please God, on the 13th instant.

I am a justice of the peace for the county of Tyrone.

Blackwatertown, 11 April 1837. *Geo. D. Cranfield*, Seneschal.

Appendix (A.)

Tyrone.

Manor of Castle Stewart.

Manor of Castle Stewart.

1.—To specify the Places over which the Jurisdiction of each Court extends?

The jurisdiction extends over the townlands of Brackaville, Annagher, Liskettle, Drumconnis, Coagh, Mullagharary, Mullinahoe, Ballynargin, Urble, Tamnaghtmon, Ballymaguire, Brookmoe, Elagh, Kellymollaghan, Gorgenis, Aghrury, Mullantaine, Unix, Eary, Faugh, Ballyveeny, Ballylelagh, Carnan, Dromore, Killycolpy, Mullanglass, Rooskeroe, Urlealreagh, Callatinny, Ochill, Inneyglass, Gortagall, Killmanagh, Tamnalinnan, Stewartstown, Drumgormill, Drumagullion, Drumcarren, Killcooney, Littercleary, Lisnught and Castlefarm.

2.—The greatest distance of any Place within such Jurisdiction from the ordinary place or places of holding such Court?

Coagh is five miles, the most distant place from Stewartstown, where the court is held.

3.—A Return of the Dates of Patents or Charters granted to such Courts?

Referred to the lords of the manor, Sir Thomas Staples, bart., and Edward Houston Caulfield, esq., as to the query of their patent or charter, who are both in Dublin at present. Present seneschal got his appointment in 1829 from said lords of the manor.

4.—The extent of their Pecuniary Jurisdiction?

The pecuniary jurisdiction of this court extends to the amount of 1 *l.* 16 *s.* 10 ½ *d.* present currency.

5.—How it is enforced?

Recovered by distraining the goods of the defendants in the action, under a decree of the seneschal.

6.—What description of Cases are tried?

The description of cases tried are debts of various kinds; viz. cash lent, goods sold and delivered, accounts unsettled, promissory notes, &c. &c.

7.—A Return, pointing out the extent of their Power with regard to Imprisonment?

No power to arrest the body, or imprisonment.

8.—The Number of Persons imprisoned under their Decree?—None.

9.—Also whether the Prison be one of peculiar Jurisdiction?—None.

10.—A Return, stating whether Power of Distress exists, and how it is levied?

When the goods of the defendants are seized under the decree of the court they are sold by auction, after being advertised four days from the time of seizure, but which seldom or ever happens in this manor.

11.—Number of Courts held in each year?

Number of courts held in the year 1834	8
Ditto - - - - - ditto 1835	10
Ditto - - - - - ditto 1836	10
Ditto - - - - - ditto 1837	4

12.—Number of Courts adjourned for Non-attendance of Jurors or other Cause?

This court has never been adjourned (since my appointment) for want of a jury.

13.—Number of Cases entered for Trial?

Number of cases entered for trial since 31st December 1833, 167.

14. Number of Cases tried?

Number of cases tried since the above period, 161.

15.—Number of Appeals from Decrees, stating how many were tried, and how many Decrees were reversed?

Number of appeals from decrees only one, which was tried and affirmed by the judge of assize.

16.—Return of Fees charged?

Fees charged for summons to attend the court, service included, 2 *s.*, and when decree is obtained, 3 *s.* 6 *d.*

17.—Sums recovered?

Amount of sums recovered since 31st December 1833, 101 *l.* 4 *s.* 3 ½ *d.*

18.—Amount of Costs from 31st December 1833?

Amount of costs recovered since 31st December 1833, 22 *l.* 8 *s.*

19.—Whether Seneschal is of any legal profession or Justice of the Peace?

The seneschal of this manor is a justice of the peace.

William Magill, Seneschal.

TYRONE AND ARMAGH.

MANOR OF CALEDON.

1. Present Lords of Manors.	2. Extent of Jurisdiction.	3. Greatest Distance from Place of holding Manor Court.	4. Date of Patent or Charter.	5. Extent of Pecuniary Jurisdiction.	6. How it is Enforced.	7. Description of Cases Tried.	8. Power of Imprisonment.
The Right hon. the Earl of Caledon.	- Sixty-two townlands; 43 of which are in the co. Tyrone, and 19 in the co. Armagh.	- - About five Irish miles.	- - 27 February, in the 19th year of the reign of Charles 2.	- - £. 2 Irish, or 1*l.* 16*s.* 11*d.* British.	- - By decree, authorizing the sale of the goods and chattels of defendant.	- - Actions for debt.	none.

9. Number of Persons Imprisoned under Decree.	10. Prisons of Peculiar Jurisdiction.	11. Power of Distress, and Manner of Levying.	12. Number of Courts held in each Year from 31 Dec. 1833.	13. Number of Courts Adjourned.	14. Number of Cases Entered for Trial.	15. Number of Cases Tried.	16. Number of Appeals from Decrees.
None - -	none - -	- - By seneschal's warrant, when decree is granted, and sale of defendant's goods.	1834 - 9 1835 - 10 1836 - 6	- - One, in consequence of the illness of seneschal.	1834 - 35 1835 - 37 1836 - 21	1834 - 35 1835 - 37 1836 - 21	- - None within the last three years.

17. Number Tried.	18. Number Reversed.	19. Amount of Fees Charged.	20. Sums Recovered.	21. Amount of Costs.	22. Seneschal or Steward.
None - -	none - -	For every printed process signed, with copy - - 1 - Entering same for trial 3 6 Filling and service - 1 - 5 6	- All sums for which decrees are granted, amounting in three years to 56*l.* 10*s.* 6*d.*	- - Attachments issued only on the affidavit of the plaintiff that the defendant is likely to remove his goods out of the manor; costs 5*s.*	- - The seneschal of this manor for the last 50 years has been a magistrate, and the present seneschal is a magistrate, namely, Henry Leslie Prentice, esq.

Henry L. Prentice,

Seneschal and J. P.

Appendix (A.)

Tyrone.

Manor of Dungannon.

Manor of Dungannon.

Jurisdiction?
Manor of Dungannon extends over 34 townlands, and includes the town of Dungannon.

Distance from Court?
Farthest distance from the court-house, which is in Dungannon, about three miles.

Date of Patent?
Fourteenth day of January, 8 King James 1.

Pecuniary extent?
£. 20 sterling, by process enforced by decree, as in civil bill.

Description of Cases?
Debt, covenant, detinue, trespass, replevin, and all other personal and mixed actions wherein the debt and damage exceed not 20 *l.* sterling.

Imprisonment?
Attachment cannot be issued for body for any sum less than 20 *l.*, and decreed as in civil bill.

Number of Persons imprisoned?
Two under decrees since my appointment.

Prison?—Dungannon Bridewell.

Power of Distress, and how levied?
By attachment, upon oath of party applying for such attachment, setting forth that the defendant is about to leave the manor. The first court-day after attachment issues, plaintiff files declaration; second court-day, defendant files plea; third court-day, action comes on; if decreed for, goods sold by public auction; overplus, if any, returned to defendant.

Number of Courts held in each year from 31st December 1833?
It is impossible for me to answer this query.

Number of Courts since my commencement as Seneschal, 16 July 1836?
By the charter, the seneschal is empowered to hold a court-leet twice a year; a court baron and a court of record once in every three weeks. Eleven courts have been held and three adjourned, by order of seneschal, from unavoidable causes, since 16 July 1836, but none from non-attendance of jurors.

Processes issued?—Two hundred and fifty-two.

Cases tried?—Fifty-five.

Notice of Appeals?—Six.

Decrees reversed?—None.

Fee on Process?—Processes, each 1 *s.*; entry of ditto, 3 *s.* 6 *d.*; decree, 2 *s.*

Fees on Attachment?—Attachment, 4 *s.* 6 *d.*; entry of ditto, 3 *s.* 6 *d.*; execution, 2 *s.*

Sums recovered?—£. 91. 8 *s.* 7 *d.*

Costs from 16th July 1836 to this date?—£. 23. 16 *s.* 6 *d.*

11th April 1837. *Henry Pole*, Seneschal.

Manor of Donaghmore.

Manor of Donaghmore.

The following are the answers to the queries relating to the manor court of Donaghmore, of which I had the honour of being appointed the seneschal since November 1822. The patent under which it is held was granted from King James 1, bearing date on the 3d day of July, and in the 18th year of his reign, granted to the Lord Archbishop of Armagh, primate, and his successors for ever. The patent directs no order for the body whatever. The general or regular manner of proceeding is by process, served on the defendants at least six days previous to the day of trial. I do give attachments for debts in case the plaintiff making an affidavit previous to my issuing the attachment that the defendant is due the debt or debts sued for, and also he, the plaintiff, had reason to believe the defendant was about to remove his goods out of the manor. I generally hold three courts in the manor; viz. in the village of Donaghmore, Kerman Magurk and Killyman, all in the manor denominated Donaghmore. Killyman and Kerman Magurk is at least 12 miles distance; Donaghmore is nearly central between the two places. I hold a court generally on each month and at each place before mentioned. The cases I generally try or examine are for goods sold on credit and servants' wages, unsound cows and cattle of every description, wages for man and horse, and cash lent. When there is a decree obtained, then immediately after I issue it, at the request of plaintiff, to my bailiff, and he makes a seizure of the defendant's goods, and then have them regularly advertised and sold by public auction, at least four days after the seizure, and the plaintiff is remunerated out of the sale for his debt and costs, and the surplus I return to the defendant, if any. The patent allows to sue for no

more

more than 5*l.* regularly, excepting two days in each year, on which I am to hold a court-leet, for the purpose of making rules and regulations for trespass of cattle, as all the trespasses are not the same in virtue, and to appoint sworn appraisers. The patent to Donaghmore does not give any authority to attach the body. I never had any one in prison, or have no prison or gaol in the county, but for the use of the county being two; and from the 31st day of December 1833 until the present, I generally hold three courts in each month, in the three places before mentioned, one in each place each month. I never was disappointed of a jury during my office as seneschal. I never had more than from four to six appeals to the assizes in one year. I never remember but three of the decrees to be reversed at the assizes, owing to the debt to be too long due, out of the limitation of the statute of time. The amount of the fees in general for decrees executed is 4*s.* 7*d.*, to defray all costs. As to the amount of the fees taken in general, is a matter I cannot give a true information of, as ten to one when the processes are served the defendant goes to the plaintiff and settles with him, and through this or the like means prevents from coming to a trial. I am an agent to the Rev. Thomas Carpendale and John Ynyr Burgess, esq.; neither of them holds any property in the manor of Donaghmore. I make a regular return to the clerk of the peace twice in each year, 10 days previous to the assizes, of all matters or cases tried in said courts; viz. decrees and dismisses, together with the amount, as specified in said decrees or dismisses, and also the person's name who proves the service of the process. As to the precincts or boundaries of the said manor, I give it, as my opinion, it contains at least 100 townlands, and more bounded to it; the sum of them is specified in the patent; many of them I have not known, but I am certain of at least 100 townlands which attend to the said court occasionally.

Manor of Donaghmore.

I am, &c.

10 April 1837. *Daniel M'Kenzie*, Seneschal.

Manor of Fina.

Manor of Fina.

Greatest distance from the pecuniary place of holding said court in the town of Sixmilecross (where same is held), within its jurisdiction, is four miles.

The jurisdiction of the above court is 40*s.*, late Irish currency, enforced by distringas and civil-bill process; the cases tried are on promissory notes, and debts of assumpsit between the parties.

Cannot tell the date of patent.

This court has no power of imprisonment.

Seventeen courts have been held in each year, commencing 31st December 1833.

No adjournment of court for want of jurors.

Cases entered for trial from above period until 31st December 1836 were 110, of which were tried 42.

The costs of cases tried and untried amount in the whole to the sum of 27*l.* 4*s.* 8*d.*, and the amount recovered during said time amounts to 29*l.* 6*s.* 6*d.*

There was one case appealed from this court for the above period, and it was affirmed.

The seneschal is not a magistrate, nor has he any legal profession.

George Monteith, Seneschal.

Manor of Forward.

The following are Answers to the Queries, with a few Observations relative to said Manor Court.

Manor of Forward.

1.—The manor of Forward is about four miles in length; and the court now is, and generally has been, held in the town of Newmills; and the greatest distance therefrom within the jurisdiction of the court is something under three English miles.

2.—The patent for holding said court was granted by King Charles 1, dated at Dublin the 26th day of February, in the fifth year of his reign.

3.—The pecuniary jurisdiction of said court extends to any sum under 40*s.*, current money of England.

4.—The manor bailiff of this court, in the execution of decrees, is empowered to seize the goods and chattels of the defendant to satisfy the debt and costs due to the plaintiff, with a further power to have such goods so seized sold in due time by public auction, and the overplus (if any) to return to the defendant.

5.—The description of cases tried in said court are, for goods sold and delivered, cash lent, money due by promissory note, rent due by cottiers to those under whom they derive, damages sustained in goods and chattels, &c.

6.—The powers vested in this court do not extend to arrest or imprisonment.

7.—The power of distress exists in this court, and goods and chattels may be seized by virtue of the manor court decree, or renewal thereof.

8.—For time immemorial there have been 12 courts held in this manor in every year, with few exceptions, in consequence of its great extent, and the business to be transacted therein. It may also be necessary to observe, that the present seneschal was nominated to office in the year 1836, and therefore he is unable to give direct answers to all the queries in said

Appendix (A.)

Tyrone.

Manor of Forward.

circular touching the business of the court, previous to the 6th September 1836 (being the day on which said seneschal held his first court, and the 7th March his last one), inasmuch as the former seneschal either cannot, or will not, give the necessary information from the time required in said circular up to the time of the present seneschal's appointment.

Since that period, however, which was six months on the 7th ultimo, there has been no court adjourned for non-attendance of jurors or other causes.

9.—The numbers entered for trial in the space of said six months were 40 cases, of which 23 were tried.

10.—There were no appeals from decrees during said six months, and probably not one since the 31st December 1833; and the number of processes issued out in said six months were about 120 pair, for which 1*s.* for each pair was charged by the seneschal, and in case of decree or dismiss, an additional sum of 4*s.* 6*d.*, making the cost of each decree or dismiss (including the seneschal's previous charge for process) 5*s.* 6*d.* The sum charged for each entry, 1*s.*; for each renewal of decree, 6*d.*; for bail-bonds, in case of distringas or otherwise, 1*s.*; and for each distringas, 4*s.* 6*d.* The sums received by the present seneschal for the cost of processes during said six months amounted in the aggregate to 6*l.*, or thereabouts; and for entry of trials, decrees and dismisses, the sum of 6*l.* 0*s.* 6*d.* in the same space of time. The sums recovered by decrees amounted in said six months to 32*l.* 5*s.* 7½*d.*; besides three times at least the latter sum recovered by distringases and processes without further law proceedings.

11.—The seneschal of this manor, whose name is underwritten in his own handwriting, is a land-agent to several estates, but not a justice of the peace, nor does he belong to any legal profession.

12.—Admitting that the business done in said court for the last six months, ending 7th March 1837, is a fair criterion to judge by, and discover the annual quantity of business transacted therein, the number of processes of course issued out annually might be about 240 pair for the years 1834, 1835 and 1836. The annual number of cases entered for trial in each of said three years might be about 80, and the cases tried about 46; consequently the annual average amount of fees charged since the 31st December 1833 must have been 24*l.* 1*s.*, in accordance with the above calculations and admissions; and the annual sums recovered by decrees in each of said three years amounted to 64*l.* 11*s.* 3*d.*, or thereabouts, exclusive of three times the latter sum at least (as the seneschal has reason to believe) recovered annually by distringases and simple processes, without entries or decrees.

In conclusion, the seneschal would beg leave to observe to your honourable Committee, that the several plaintiffs and defendants whose cases are tried in said manor court by jurors with whom they are acquainted, and in whose veracity they can place every confidence, lose only a few hours in knowing the result of their several actions, at small expense; whereas if such cases were determined in Dungannon (being the nearest quarter sessions town to the manor aforesaid), it would oblige the parties in every case, and often for very trifling sums, to perform considerable journies, and in all probability lose as many days at such quarter sessions as an equal number of hours would accomplish at said manor court, at less, perhaps, than one-fourth of the expense and loss of time.

Mount Hamilton, Dungannon,
10 April 1837.

James M'Neece, Seneschal.

Manor of Killyfaddy.

Name of Manor?—Killyfaddy.

Extent of Jurisdiction?

Twenty-one townlands, in the parishes of Clogher and Fentona, all in the barony of Clogher.

Greatest Distance from Court?—From two to three miles.

Date of Charter?

Granted to Richard Cope, esq. on the 21st November, in the 15th year of the reign of Charles 1.

Amount of Jurisdiction?—£.2. Irish.

How enforced and description of Cases tried?

By distringas and process, like cases entertained by assistant barristers at sessions. When goods are distrained, the defendant, on passing bail to abide the event of trial, gets them back.

Imprisonment?—Power by charters, but not exercised.

Number of Courts held yearly?

From the 31st December 1833 to 31st December 1834, held six courts; from 31st December 1834 to 31st December 1835, seven; from December 1835 to December 1836, six held.

Courts adjourned?

Attendance of jurors good; little or no adjournments, unless for want of business.

Cases entered for trial?—From December 1833 to the present time 46.

Cases

Cases tried?—Ten.

Appeals?—None.

Amount of Fees charged?

On each case, 5*s.* 6*d.*; viz. distringas, 1*s.*; and entry, 1*s.*; and costs for trial and jury, 3*s.* 6*d.*

Sums recovered?—From 2*l.* Irish, down.

Number of Verdicts for Plaintiff?—All found for plaintiff.

12 April 1837. *John Carson*, Seneschal.

MANOR OF MAYNOR.

THE town of Balligurly, county of Tyrone, is the place where the manor courts are held; one court day every 14 days, which is held on Fridays.

The town is situated on one side of the manor of Maynor; the distance south or south-east of the town only includes the town and suburbs and town parks, towards the west about six miles, towards the east about four miles, and northward about four and a half miles; this extent, comprising the estates of Sir Hugh Stewart, bart., and Colonel Vernor, with some townlands belonging to other gentlemen, coming under the jurisdiction of the court.

The original charter of said manor was granted, I believe, in the reign of Charles 1, and I suppose is lodged in the record courts in Dublin.

The jurisdiction of the court extends to the amount of 40*s.*, Irish currency, to be levied off the goods and chattel property of the defendants; the cases are such small debts as are due; no place of confinement, nor attaching of the person.

There were five or six appeals, which have all been agreed and settled between the respective parties, before they came before the judge of assize.

The fees are, 1*s.* process, 2*s.* entry, and 2*s.* 6*d.* trial; in all, 5*s.* 6*d.*

I am no professional man, nor a justice of the peace.

Curroy Lodge, 25 April 1837. *Dean Nunn*, Seneschal.

MANOR OF STOY.

JURISDICTION extends over the Townlands of—

Anagh, Anaghmore, Ballyard, Bodony, Corlea, Cordromedy, Cavanamara, Cabragh, Carran, Crossans, Cruse, Deruagilly, Dirry, Dromash, Drombinion, Dirrymacana, Dreigh, Dyralea, Dromardnacrosse, Fyglass, Fairney, Gargadoes, Gawaghey, Granan, Glasmullagh, Hackencon, Kielknock, Killypeddy, Kynogue, Kynyne, Knocknagore, Lisnahana, Liffer, Laughterush, Lisduff, Mettoguis, Moneygan, Magheralough, Rosnarin, Shanmullagh, Stralongfort, Trillick, Tullavolly, Tullynunckrin, Anaghbogey, Aughnamoe, Aughlisse, Aughadara, Aughee, Bodony, Cornamuckla, Corlagh-deargan, Corbwally, Cornalea, Carrinamuck, Dromskinny, Deargany, Doorkrock, Esker, Eduagon, Dullaghan, Dromaraght, Glangine, Gardrum, Galbolly, Golan, Letteree, Lettergesse, Mynegan, Mahagart, Mullanagoagh, Moneygowan, Knockrawen, Newpark, Rahanagh, Rakuranby, Skrogue, Lishyneadin, Outerard, Tolloycluragh, Tolloywee, Tolloymageagh, Tattycow, Tymorry.

Greatest Distance?

Three miles, or thereabouts, from the town of Trillick, where the court is always held.

Patent bearing date?—1st of June, 6th Charles 1.

Pecuniary Jurisdiction?—For sums not amounting to 40*s.*, money of England.

How enforced?

Proceedings by process; attachments for goods never issued, unless debt justly due, and an intention to defraud be manifest.

Description of Cases tried?

Debts, agreements, trespasses, accounts, detentions, causes and contracts within the manor.

Imprisonment?—No authority.

Power of Distress, and how levied?

Goods of defendant seized under manor court decree, and sold next or some ensuing court-day, unless debt and costs be discharged.

In year ending 31st December 1834, nine courts held.

In year ending 31st December 1835, nine courts held.

In year ending 31st December 1836, eight courts held.

To 21st March 1837, inclusive, four courts held.

Appendix (A.)

Tyrone.

Manor of Stoy.

Courts adjourned?

None for non-attendance of jurors.

Nineteen, wherein some cases were entered for trial on next court-day; remainder settled between parties.

Cases entered for Trial?—One hundred and fourteen.

Cases Tried?—Eighty-four.

Appeals?—None sought.

Fees charged, whether by Process or Attachment?

1*s.* to seneschal for providing, filling and signing his process.
1*s.* to bailiff for serving same on defendant, and finding a jury.
1*s.* to seneschal upon entering process for trial.
2*s.* 6*d.* to seneschal for signing decree or dismiss.

Sums recovered, exclusive of Costs?—57*l.* 12*s.* 2*d.*

Costs?—24*l.* 12*s.* upon entries, decrees and dismisses.

Legal Profession?—Not a member of any,

Justice of the Peace?—Have not the honour to hold a commission of the peace.

Trillick, 8 April 1837. *Andrew Crawford*, Seneschal.

Manor of Tutchett.

Manor of Tutchett.

The jurisdiction of this court extends over 47 townlands, comprising 98 denominations, in the barony of Omagh. The greatest distance of any place within such jurisdiction from Ballinahatty, the ordinary place of holding the court, does not exceed three miles. The patent constituting the manor was granted by King Charles 1, and bears date 6th June 1631. The extent of the pecuniary jurisdiction of this court is 40*s.* in all cases of debt and detinue, and upon the case, and its judgment is enforced by a decree in the nature of a civil bill decree, to be levied only off the goods of the party. This court has a power of distress, and such is sometimes resorted to, when there is an apprehension that the goods of a debtor may be removed from the manor; the proceeding is by distringas directed to the bailiff of the court. The court has been held 17 times in each year, beginning the 31st December 1833, and by patent is held "from three weeks to three weeks." This court has not been adjourned during that period, except in case of illness of the seneschal, and never for non-attendance of jurors.

The number of cases entered for trial varies from 15 to 60, and on an average 20 cases have been adjudicated upon each court-day. There has been no appeal from the decrees of this court for the last six years.

The fees payable in this court are 5*s.* 6*d.*, and amount in the whole, from the above date, to the sum of 288*l.* 15*s.* The sums recovered in the same period amount to 1,235*l.* 7*s.* 8*d.*, and the costs upon proceedings during the same period amount to 288*l.* 15*s.*, being at the rate of 5*s.* 6*d.* upon each decree. The seneschal of this court is not a justice of the peace, or a member of either branch of the legal profession.

George Bradley, Seneschal.

COUNTY OF WATERFORD.

Manor of Dungarvan.

Waterford.

Manor of Dungarvan.

The date of the patent granted to the manor of Dungarvan is the 8th of June, 5th year of Charles 2, and the jurisdiction of the court extends over the townlands of Dungarvan, Abbeyside, Duckshool, Scahairim, Lacken, Knockatimore, Knocknagrana, Gurteen, Shandon, Ballinamusk, Mapstawn, Ballygegan, Coolnagaur, Two-mile-Bridge, Ballinure, Ringorchy, Glenmore, Killapera, Clancoskoran, Ballinaska, Deelish, Banentaur, Lougheniske, Ganynageragh, Knocknagrana, Ballinroad, Scart.

The above-mentioned lands are all attached, also the townlands of Knockanhaur, Ballymullala and Canty, which are detached from the other townlands. The lands of Deelish, which are most remote of the attached lands, are situate about three Irish miles from the manor court-house, and the lands of Knockanhaur, which are detached, are situate about six miles from the manor court-house. The lands of Ballymullala and Canty are situate in the intermediate space, the former about five miles from the court-house, and the latter about the same distance.

The pecuniary jurisdiction of the manor court of Dungarvan extends to the recovery of the sum of 15*l.* due by bond, bill or note, and to the amount of 10*l.* due by parol contract. An attachment is granted by the seneschal of Dungarvan, where the sum alleged to be due amounts to 40*s.*, against the goods of the defendant, the plaintiff having lodged an affidavit of the amount of debt claimed by him from the defendant being fairly due, when, after the regular process of entering the attachment, lodging an appearance, filing a declaration and pleading thereto, the amount of damages is assessed by a jury, and execution issued against the goods of the defendant, pursuant to the verdict.

The

The like debts are also recoverable by process in the manor court of Dungarvan, as in the case of civil bills, and the amount of damages ascertained by the verdict of a jury, and recoverable under the authority of the seneschal's decree.

No other description of cases are tried.

No power of imprisonment is exercised.

The present prison of Dungarvan is not one of peculiar jurisdiction.

The number of courts held in the year 1834 is nine.

The number of adjournments, same period, nine.

Cases entered for trial, 30.

Cases tried, 20.

No appeal has been lodged. The seneschal's fees in civil bill cases are, as prescribed by the Civil Bill Act, 4*s.* 6*d.* on each decree, and 1*s.* to the crier of the court.

He has no means of reporting the amount of sums recovered, nor the precise amount of costs during this period.

No attachment in the year 1834 came to trial. Had such been the case, the seneschal's fees of court would amount to 20*s.* 2*d.* on each attachment.

The number of courts held in the year 1835 is nine.

The number of adjournments is 12.

Cases entered for trial, 31.

Civil bill cases tried, 16.

Attachment cases tried, three.

The seneschal has no means of reporting amount of sums recovered, nor precise amount of costs during this period.

The number of courts held in the year 1836 is 12.

The number of adjournments is nine.

Cases entered for trial, 38.

Civil bill cases tried, 23.

Appeals to the assizes, one.

In which case the decree of the manor court was confirmed.

Attachment cases tried, five.

The seneschal of Dungarvan is neither a magistrate nor a member of any legal profession, and can only account for not having it in his power to state the amount of costs received by saying, that in many cases he is not paid costs, the circumstances of the parties being such as to induce him to forego his claim; nor has he kept any account of such costs as he did receive.

17 April 1837. *John Hudson*, Seneschal.

Manor of Lismore.

The patent is dated 8th June, 5th year of the reign of King Charles the Second.

The extent of pecuniary jurisdiction is 10 *l.* Irish.

The same is enforced by execution or decree.

The description of cases tried are those mentioned in the 25 Geo. 3, c. 44.

With regard to the extent and power of imprisonment, there have been but two cases of imprisonment for the last 15 years; by almost the common consent of the inhabitants, the imprisonment of the body is given up, and the whole process directed against the goods.

The prison is continued under a warrant from his Excellency the Lord Lieutenant of Ireland, dated the 31st October 1826; but it is also made use of by the magistrates and the quarter sessions.

For the period mentioned in the queries no person has been imprisoned.

The number of courts held each year, at which there was any business done, are as follow.

From December 1833 to December 1834	-	-	11
Ditto - - 1834 - - - - - 1835	-	-	16
Ditto - - 1835 - - - - - 1836	-	-	10

With respect to adjournments, the courts are held every three weeks; and there are no adjournments for want of jurors, &c.

The number of processes issued during the three years was 870; the number entered for trial, 156; and the number tried, 150.

There has been no appeals for the last 15 years.

A return of fees charged is contained in Schedule, No. 1.

The sums recovered were all debts under 10 *l.* Irish, the costs of which vary according to the stage of proceeding at which they terminate. The costs of debts under 40*s.* are regulated by the 25 Geo. 3, c. 44, s. 7.

The seneschal of Lismore is a private gentleman, not belonging to the legal profession, or a justice of the peace.

Henry Witham, Seneschal.

Appendix (A.)

WATERFORD.

Manor of Lismore.

(No. 1.)—Schedule of Fees above 40*s.*

	£.	s.	d.
Affidavit to ground attachment	–	1	–
Attachment	–	1	–
Attorney's fees therein	–	1	6
Bailiff attaching in town, 1*s.* 6*d.*; in country, 3*s.*			
Bail-bond and entry	–	1	–
Attorney's fees	–	1	–
Drawing declaration, filing and notice	–	6	–
Copy declaration	–	1	–
Attorney's fee drawing and filing plea	–	4	6
Copy plea and rule to reply	–	1	4
Attorney's fee drawing replications and filing same	–	4	6
Rule to rejoin, &c.	–	1	4
Attorney's fees drawing rejoinder	–	4	6
Motion for trial and rule	–	2	10
Venue and service	–	2	–
Attorney's fee on trial	–	2	6
Jury verdict and crier	–	4	6
Record verdict and judgment	–	2	6
Attorney's fee	–	2	6
Execution and service	–	2	6
Keeping records	–	3	4

Debts under 40*s.* regulated by the Act of Parliament mentioned in answer, 25 Geo. 3, c. 44.

Henry Witham, Seneschal.

COUNTY OF WESTMEATH.

MANOR OF TWYFORD.

WESTMEATH.

Manor of Twyford.

COURT leet, court baron, and court of record, extending to 10*l.* sterling; extent of jurisdiction from Athlone to Moat and surrounding country, about 12 miles by 12 miles; distance from each court-house about eight miles; jurisdiction to try all manner of mixed actions in accounts, detinue, trespass, replevin, withernam, trover, second delivery, &c., by process, distringas and summons against body, goods or lands.

Court has not practised imprisonment.

Court practises power of distraint by seizing goods before trial, to secure the debt for plaintiff, where danger of loss by removal is proved.

Court sits 12 times in each year, and during the period of the seneschal's presiding (now 30 years, being 73 years of age) he never, but in one instance, adjourned a court, and then such was occasioned by the seneschal's illness.

Cases for trial during the three last years, 823.

Cases tried, 261.

Cases appealed, 12; tried, 4; and reversed, 1.

Amount recovered by decree about 517*l.* sterling.

Costs attending trials for which decrees have been granted, about 80*l.* sterling.

Fees attending trials where the prayer of the plaintiff has been rejected, and dismiss granted accordingly, about 70*l.* sterling.

Seneschal, a private gentleman; not at any time a justice of the peace.

N. B.—Casual fees not in Queries, nor chargeable on decrees, to wit:

Witnesses' summonses, appeals, renewals on decrees, courts of inquiry, applotments of land-tax collectors, &c.

Seneschal also holds the manor of Newtown Killavalley, in the same county, situated near the towns of Kilbiggan and Tyrrelspass; the manor is of small extent, and little business done in it for the last three years.

Glasson, 18 April 1837. *Thomas Wyly*, Seneschal.

WEXFORD.

COUNTY OF WEXFORD.

No Manor Courts.

WICKLOW.

COUNTY OF WICKLOW.

No Manor Courts.

(B.)

A RETURN of the Number of DECREES or DISMISSES signed by the Seneschals or Stewards of the several Manor Courts in *Ireland*.

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

COUNTY OF ANTRIM.

MANOR OF BALLYNURE.

I HAVE signed twenty decrees since 31st December 1833 to 30th March 1837; during which time I have not signed any dismiss, the cases having been all dismissed without prejudice to the plaintiffs: seven in number.

In addition to the statement made by me in my letter of the 3d of April last, respecting the jurisdiction of this court, I beg to add that it has a power of holding a court leet once a year, when parish constables, applotters of county cess, and parish appraisers are appointed.

(signed) *John Forsyth*, Seneschal.

3 May 1836.

MANOR OF BALLYCASTLE.

From 1st January 1836 to 1st January 1837 - - - -	Decrees -		132
Ditto - - - ditto - - - -	Dismisses -		6
			138
From 1st January 1837 to 29th April 1837 - - -	Decrees	54	
Ditto - - - ditto - - - -	Dismisses	5	
			59
	Total - - -		197

(signed) *John M. Casement*, Seneschal.

Dated 29 April 1837.

MANORS OF BUCKNAW, CASHELL, EDENDUFFCARRICK AND MULLOGHGANE.

NAMES OF MANORS.	No. of Decrees signed in the Years 1834.	1835.	1836.	1837.	Total No. of Decrees for each Manor.	Total No. of Dismisses signed from 31st December 1383 to the present Date for each Manor.
Bucknaw - -	39	46	46	34	165	21
Cashell - - -	66	53	60	40	219	17
Edenduffcarrick -	46	60	59	51	216	21
Mulloghgane - -	67	56	54	70	247	25

5 May 1837. (signed) *John Higginson*, Seneschal.

MANOR OF BELFAST.

The number of decrees signed and issued by the seneschal of the manor of Belfast, for the year 1834 - - - - - - - - - - - - -	312
The number of dismisses signed and issued for like period - - - - -	54
The number of decrees signed and issued for the year 1835 - - - - -	285
The number of dismisses for the like period - - - - - - - -	54
The number of decrees signed and issued for the year 1836 - - - - -	354
The number of dismisses for the like period - - - - - - -	38

29 April 1837. (signed) *Thomas L. Stewart*, Seneschal.

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

Manor of Dunluce.

From 1st January 1836 to 1st January 1837	Decrees	-	111
Ditto - - - ditto - - - -	Dismisses	-	6
			117
From 1st January 1837 to 29th April 1837	Decrees	42	
Ditto - - ditto - - - - -	Dismisses	3	
			45
	Total	- - -	162

29 April 1837. (signed) *John M. Casement*, Seneschal.

Manor of Glenarm.

	Decrees, &c.
In the year 1834, commencing 31st December 1833 - - - - -	80
— 1835 - - - - - - - - - - - -	89
— 1836 - - - - - - - - - - - -	93

29 April 1837. (signed) *Thos. Davison*, Seneschal.

Manor of Karte.

	Decrees.	Dismisses.	Appeals.
1832 - - -	14	2	7
1833 - - -	19	5	1
1834 - - -	22	8	9
1835 - - -	23	1	3
1836 - - -	26	4	7
1837 - - -	25	2	8
	129	22	35

1 May 1837. (signed) *Michael Harrison*, Seneschal.

Manor of Killultagh.

Decrees signed from 14th March 1834 to 29th March 1837 - - - -	298
Dismisses signed - - - - - - - - - - - - - -	9
Decrees signed by the seneschal of the manor of Derrivolgie, during said period	19
Dismisses signed - - - - - - - - - - - - -	3

Lisburn, 28 April 1837. (signed) *William Gregg*, Seneschal.

Manors of Moylinny and Ballynlinny

Manor of Moylinny: Court held at Antrim.

Decrees signed by the seneschal of said court, in the year ending the 16th day of April 1836 - - - - - - - - - - - - - -	86
Dismisses signed by the seneschal of the said court in the same year - - -	14
Executions on records originating by attachment, signed by the seneschal of said court in the same year - - - - - - - - - - - -	5
Decrees signed by seneschal in the year ending the 16th day of April 1837 - -	105
Dismisses signed by seneschal in the same year - - - - - - - -	16
Executions on records originating by attachment, signed by seneschal in the same year - - - - - - - - - - - - - - - -	1

Manor of Moylinny: Court held at Doagh.

Decrees signed by the seneschal of said court, in the year ending the 16th day of April 1836 - - - - - - - - - - - - - -	75
Dismisses signed by the seneschal of said court in the same year - - - -	18
Executions on records originating by attachment, signed by seneschal of said court in same year - - - - - - - - - - - - - -	2

ecrees

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

Decrees signed by seneschal in the year ending 16th day of April 1837	103
Dismisses signed by seneschal in same year	20
Executions on records originating by attachment, signed by seneschal in same year	2

Manor of Ballynlinny: Court held at Templepatrick.

Decrees signed by the seneschal of said court in the year ending the 16th day of April 1836	68
Dismisses signed by the seneschal of said court in the same year	7
Executions on records originating by attachment, signed by seneschal of said court in the same year	2
Decrees signed by seneschal, in the year ending the 16th day of April 1837	111
Dismisses signed by seneschal in the same year	9
Executions on records originating by attachment, signed by seneschal in same year	2

22 April 1837. (signed) *Arthur Adair Gamble*, Seneschal.

Manor of Oldstone.

	Decrees, &c.
In the year 1834, commencing 31st December 1833	94
— 1835	87
— 1836	99

29 April 1837. (signed) *Thos. Davison*, Seneschal.

COUNTY OF ARMAGH.

Manor of Brownlow's Derry.

Decrees signed from February 1827 to January 1833	121
Dismisses, same date to same date	13

Manor of Richmond.

Decrees signed from February 1827 to November 1831	54
Dismisses, same date to same date	19

6 May 1837. (signed) *Wm. John Hancock*, Seneschal of said Manors.

Manor of Ballymore.

Thirty-one decrees have been signed by the seneschal of this manor during the period mentioned in the first Return to the Committee of the House of Commons.—The defendant is not put to the cost of decrees (unless the decree is levied). The seneschal never signs a dismiss unless applied for; which very seldom occurs. The great majority of cases are settled, and costs so far incurred paid before decree is signed or issued.

No dismiss signed in this manor.

Manor of Kernan.

Forty-four decrees have been signed by the seneschal of this manor during the period mentioned in the first Return to the Committee of the House of Commons.—Same observation as above to dismisses.

Manor of Ballyoran.

Forty-one decrees have been signed by the seneschal of this manor during the period mentioned in the first Return to the Committee of the House of Commons.—Same observation as above to dismisses.

(signed) *Charles Hunt*, Seneschal of said Manors.
28th April 1837. *Robert Wilson*, Registrar.

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

MANOR OF CASTLEDILLON.

YEARS.	Decrees.	Dismisses.
1834	2	2
1835	3	–
1836	7	1
1837	–	–
Total	12	3

1 May 1837. (signed) *Alexander Peel*, Seneschal.

MANORS OF CHARLEMONT AND CLADYMORE.

MANORS.	YEAR.	Cases entered for Trial.	Settled without being Tried.	Nilled.	Decreed.	Dismissed.
Cladymore	1826	17	12	1	3	1
	1827	6	–	–	4	2
	1828	22	6	–	12	4
	1829	22	5	1	12	4
	1830	38	9	5	24	–
	1831	30	4	–	21	5
	1832	12	1	2	7	2
	1833	28	1	4	18	5
	1834	13	2	1	8	2
	1835	12	1	1	9	1
	1836	22	2	4	12	4
Total		222	43	19	130	30
Charlemont	1826	9	–	1	5	3
	1827	15	2	1	10	2
	1828	9	–	2	7	–
	1829	15	1	2	12	–
	1830	24	–	1	19	4
	1831	34	5	2	24	3
	1832	17	3	3	10	1
	1833	19	5	3	7	4
	1834	16	3	2	10	1
	1835	16	2	1	11	2
	1836	27	5	5	17	–
Total		201	26	23	132	20

29 April 1837. (signed) *William Whitelaw Algeo*, Seneschal, Magistrate for the Counties of Tyrone and Armagh.

MANOR OF COOLMALISH.

Fifty-eight decrees and two dismisses signed, from 31st December 1833 to 31st March 1837.

MANOR OF BALEEK.

Thirty-five decrees and one dismiss signed, from 31st December 1833 to 31st March 1837.

MANOR OF ACTON.

Sixty-three decrees and three dismisses signed, from 31st December 1833 to 31st March 1837.

Decrees signed by Seneschals of Manor Courts.

Manor of Drumbanagher.

Thirty-four decrees and two dismisses signed, from 31st December 1833 to 31st of March 1837.

John Mitchell, Seneschal of the above-named Manors.

29 April 1837.

Manors of Derrycrew, Drumelly and Mountnorris.

Since my appointment in July 1836, there have been - Decrees - - 39
- Dismisses - - 8

12 May 1837. (signed) *John Thompson.*

Manor of Drumorgan.

YEARS.	Decrees.	Dismisses.	YEARS.	Decrees.	Dismisses.
1809 - - - -	11	3	1824 - - -	23	2
1810 - - - -	1	—	1825 - - -	15	2
1811 - - - -	8	1	1826 - - -	18	4
1812 - - - -	7	—	1827 - - -	26	1
1813 - - - -	4	1	1828 - - -	46	7
1814 - - - -	8	1	1829 - - -	29	6
1815 - - - -	7	—	1830 - - -	32	11
1816 - - - -	12	—	1831 - - -	40	5
1817 - - - -	8	4	1832 - - -	33	3
1818 - - - -	33	2	1833 - - -	19	2
1819 - - - -	44	5	1834 - - -	30	5
1820 - - - -	18	5	1835 - - -	22	4
1821 - - - -	16	2	1836 - - -	27	8
1822 - - - -	29	1	To May 1837 (inclusive)	26	2
1823 - - - -	32	3			
			Total - - -	624	90

2 May 1837. (signed) *Wm. Martin,* Seneschal.

Manors of Toaghey.

PLACES where held.	1834.		1835.		1836.	
	Decrees.	Dismisses.	Decrees.	Dismisses.	Decrees.	Dismisses.
Keady - -	15	1	31	8	19	1
Killylea -	12	2	12	3	10	1

(signed) *Henry L. Prentice,* Seneschal, J. P. Tyrone and Armagh.

COUNTY OF CARLOW.

Manor of Carlow.

As seneschal of the manor of Carlow, I never signed any decrees or dismisses, not having issued either, in consequence, as I before stated, of opposition being made to my holding such court in this town, although it cost me 20 *l.* to have myself legally appointed, being obliged to take out two constats of the charter, one to lodge with the clerk of the peace for this county, and one for the Queen's County, the manor extending therein.

(signed) *Thos. Crawford Butler,* Seneschal.

8 April 1837.

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

COUNTY OF CAVAN.

Manor of Bailieborough.

The date of the patent of the manor of Bailieborough is "June 22d, fifth year of King Charles the First."

Having been seneschal for about five years, I think the number of courts held by me have been about 60 during that period; the number of decrees got out about 280, and about 15 dismisses.

2 May 1837. (signed) *Edward Mahaffery.*

Manors of Castle Kylagh, Clonkyne and Cortubber.

Decrees - - - - - - -	115
Dismisses - - - - - - -	13

(signed) *William Berry*, Seneschal.

Manor of Cormany.

Decrees - - - - - - -	91
Dismisses - - - - - - -	26

In the manor court of Cormany, in the county of Cavan, a great many cases settled without coming to trial.

13 May 1837. (signed) *Geo. Powell.*

Manor of Guelliam Brook.

Decrees - - - - - - -	20
Dismisses - - - - - - -	4

3 May 1837. (signed) *Bedell Beneson.*

Manor of Tullyvin.

The number of decrees and dismisses signed by me, as seneschal of said manor, is as follows:

Decrees - - - - - - -	93
Dismisses - - - - - - -	27

29 April 1837. (signed) *Samuel Martin*, Seneschal.

COUNTY OF CLARE.

Manor of Bunratty.

Number of decrees signed in 1834 - - -	220,	and 78	dismisses.
1835 - - -	198,	62	—
1836 - - -	109,	31	—

Manor of Clonroad.

Number of decrees signed in 1834 - - -	215,	and 35	dismisses.
1835 - - -	145,	53	—
1836 - - -	130,	55	—

Manor of Crovreaghan.

Number of decrees signed in 1834 - - -	502,	and 69	dismisses.
1835 - - -	424,	61	—
1836 - - -	314,	83	—

Manor of Doonass.

Number of decrees signed in 1834 - - -	877,	and 125	dismisses.
1835 - - -	864,	57	—
1836 - - -	670,	31	—

Manor of Ennistimon.

Number of decrees signed in 1834 - - - 90, and 14 dismisses.
1835 - - - 88, 13 —
1836 - - - 66, 25 —

Manor of Moy-Ibrickam.

Number of decrees signed in 1834 - - - 510, and 77 dismisses.
1835 - - - 420, 65 —
1836 - - - 312, 56 —

(signed) *W. O'Brien*, Seneschal of the above Manors.

Manor of Castle Bank.

I have signed either twenty-six or thirty decrees since my appointment.

I cannot say how many dismisses were signed, as they are not usually taken out by the parties obtaining them, which saves the defeated party the fee payable on taking out the dismiss.

29 April 1837. (signed) *Geo. Gloster*, jun., Seneschal.

Manor of Killaloe.

I, the undersigned, being the seneschal of the manor court of Killaloe, in the county of Clare, do hereby certify, that there were in the year 1834, one hundred and twenty-nine decrees, and eight dismisses; in the year 1835, one hundred and fifty-eight decrees, and seven dismisses; in 1836, ninety-four decrees, and seven dismisses; and in 1837, twenty-fou decrees, and one dismiss.

(signed) *Michael Martin*, Seneschal.

Manors of O'Brien's Bridge and Tomgrany.

O'Brien's Bridge Manor Court.

Six hundred and forty-seven decrees, and three hundred and twenty-three dismisses, signed.

Tomgrany Manor Court.

Six hundred and sixty-two decrees, and three hundred and sixty-two dismisses, signed.

(signed) *John Huleatt*, Seneschal.
1 May 1837. *John Rowan*, Registrar.

COUNTY OF CORK.

Manor of Altham.

Year ending 31 December 1834.		Year ending 31 December 1835.		Year ending 31 December 1836, and to 31 March 1837.	
Number of Decrees signed.	Number of Dismisses signed.	Number of Decrees signed.	Number of Dismisses signed.	Number of Decrees signed.	Number of Dismisses signed.
45	10	51	6	101	17

1 May 1837. (signed) *Patrick O'Sullivan*, Seneschal.

Manor of Abbey Mahon.

In the year 1834 - - - - 12 decrees - 1 dismiss.
1835 - - - - 15 — —
1836 - - - - 7 — —

(signed) *Geo. Kingston*, Seneschal

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

Manor of Bantry.

Decrees signed for the year	1834	103
	1835	86
	1836	76
	1837	41
Dismisses signed for the year	1834	13
	1835	16
	1836	10
	1837	8

(signed) *John Young*, Seneschal.

Manor of Ballymoodan.

Year	1834	4 decrees - 1 dismiss.
	1835	5 — - 1 —
	1836	2 — - 0 —

21 April 1837. (signed) *John Cottsor*, Seneschal.

Manor of Bridge Town.

Decrees issued in this manor for the year	1834	6
	1835	23
	1836	17
Dismisses issued in this manor for the year	1834	2
	1835	3
	1836	4

29 April 1837. (signed) *Charles Clerke*, Seneschal.

Manor of Castle Mahon, otherwise Castle Bernard.

Year	1834	7 decrees - 0 dismisses.
	1835	6 — - 0 —
	1836	6 — - 0 —

(signed) *Wm. Lovell*, Seneschal.

Manor Court of Castlemartyr.

Number of decrees signed by me from 19th January 1835 to the present time - 7

1 May 1837. (signed) *Joseph Taylor*, Seneschal.

Manor of Charleville.

MANOR.	YEARS.	Number of Decrees signed by the Seneschal.	Number of Dismisses signed by the Seneschal.	REMARKS.
Charleville -	1834	41	3	In consequence of the facility of appeal given by the 25 Geo. 3, c. 44, the suitors prefer proceeding in the Court of Record of this manor, though more tedious and expensive.
	1835	29	1	
	1836	24	3	
	1837	7	1	

(signed) *A. Batwell*, Seneschal.

Manor Court of Clonakilty.

Number of decrees for the year	1834	39
	1835	40
	1836	33
Number of dismisses for the year	1834	7
	1835	6
	1836	5

I certify the foregoing to be a correct copy; and beg here to remark, that the years for which the returns were required not being specified, I have followed the preceding order of the Special Committee, dated the 14th March 1837.

1 May 1837. (signed) *John Townsend*, Seneschal.

Manor of Dunmanway.

YEARS.	Number of Decrees granted.	Number of Decrees issued.	Number of Dismisses granted.	Number of Dismisses issued.
1834	30	10	4	none.
1835	79	25	5	none.
1836	72	27	7	none.

(signed) *Alex. J. Cox*, Seneschal.

Manor of Lemcon.

Since the year 1833 to the present date, 193 decrees were signed and 30 dismisses.
13 May 1837. (signed) *Richard B. Lewis*, Seneschal.

Manor of Inchiquin.

Number of decrees and dismisses signed by the seneschal from 31st December 1833 to 31st December 1836 - - - 256 dismisses and decrees.
(signed) *Jas. B. Johnson*, Deputy Seneschal.

Manor of Mallow.

Year 1834 - - - - 37 decrees - - 13 dismisses.
1835 - - - - 30 — - - 15 —
1836 - - - - 42 — - - 11 —
1837 to 3d April - 22 — - - 8 —
(signed) *Henry Hume*, Seneschal.

Manor of Newcastle and Garricloyn.

From the 1st day of April 1836 to the 1st of April 1837, there were 161 decrees and 32 dismisses; out of which I signed 38 decrees, the remainder being settled and paid by instalments, according to the decision of the jury, which generally gives satisfaction to both parties, as the costs which I charge are not so much when the decree is not signed. And as to dismisses I have never signed one, considering the defendant, who only loses part of a day, not entitled to costs, as it would be the plaintiff's loss and my gain only.
2 May 1837. (signed) *Philip Aulin*, Seneschal.

Manor of Newmarket.

On reference to my manor court book I find that I have signed 966 decrees and 177 dismisses; all such other cases as I find entered in said court book having been settled without the necessity of my signing.
29 April 1837. (signed) *Richard Smith*, Seneschal.

Not having kept an account of the number of decrees or dismisses signed by me, I can make no other return than the one furnished on the 13th ult., in which I set forth the number of cases tried, and in all of which I presume decrees issued.
68, South Mall, Cork, 5 May 1837. (signed) *Jas. Morgan.*

COUNTY OF DONEGAL.

Manor of Ballyshannon.

Number of decrees signed for the years 1834, 1835 and 1836 - - - 349
Number of dismisses - - - - ditto - - - - - - 14
Total - - - - 363

N.B.—As the order of the Committee does not say for what time the return should be made, I have made the return for the years above stated, being the same time that the order of the Committee of the 14th March 1837 was for.
(signed) *John Miller*, Seneschal.

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

Manors of Buncrana, Elagh, Greencastle and Malin.

Since my appointment as seneschal of these manors in January 1837, I have signed 103 decrees. I have not signed any dismiss; dismisses are not usually called upon.

(signed) *Robert Riddall*, Seneschal.

Manor of Burleigh.

Number of decrees signed	3
Number of dismisses signed	2

The total number on which verdicts for decrees were returned by jury for plaintiffs was 7, and dismisses, 2. The number of decrees signed, 3; the remainder settled prior to execution of decrees.

(signed) *John Wallwood*, Seneschal.

Manor of Donegal.

Decrees signed by the seneschal	359
Dismisses signed by the seneschal	78

5 May 1837. (signed) *Anth. Divir*, Seneschal.

Manor of Killmacrenan.

Decrees signed for the years 1834, 1835 and 1836	111
Dismisses - - - - - ditto	7
Total	118

N.B.—As the order of the Committee does not say for what time the return should be made, I have made it for the above years, agreeing with the order of the 14th March 1837.

(signed) *John Miller*, Seneschal.

Manor of Orwell.

Number of decrees signed	38
Number of dismisses signed	4

The total number on which verdicts for decrees was returned by jury, during the period, for plaintiff, was 88, and dismisses 4; and the number of decrees issued and signed by seneschal was 38. The remainder settled by the defendants prior to issue of decree.

(signed) *John Wallwood*, Seneschal.

Manors of Purtin Island and Castle Boyle.

Twelve decrees and dismisses were issued for the manor of Purtin Island, and six for the manor of Castle Boyle, during the years 1834, 1835 and 1836.

29 April 1837. (signed) *David M'Kelvey*, Seneschal.

Manor of Rathmullen.

Number of decrees and dismisses signed from 31st December 1833 to 31st December 1836:

Decrees signed	7
Dismisses signed	1

(signed) *Robert Lockhart*, Seneschal.

Manor of Termon.

1834.	Decrees signed	28	Dismisses		3
1835.	—	20	—		10
1836.	—	16	—		5
1837.	—	13	—		4

29 April 1837. (signed) *Hezlett Hamilton*, Seneschal.

COUNTY OF DOWN.

Manor of Ardglass.

Thirty-seven decrees have been issued from this court during the last twelve months.
Fifteen cases dismissed during the same period.

(signed) *Joseph Saunders,* Seneschal.

Manor of Bangor.

From 9 January 1834 to 23 February 1837, inclusive.

Decrees obtained and granted	66
Dismisses ditto - ditto	8

1 May 1837. (signed) *Thomas M'Culloch,* Seneschal.

Manor of Castlewellan.

Number of decrees or dismisses signed in 1836 : about 30.
A correct return cannot be made out, in consequence of some of the decrees never having been lifted, after being granted ; and having only held the office of seneschal since the commencement of 1836, I cannot state anything on this head as to previous years.

28 April 1837. *R. Binney,* Seneschal.

Manor of New Comber.

The number of decrees and dismisses signed by the seneschal from 31 December 1833 to 31 December 1836, were,

In 1834, Decrees signed	33
— Dismisses ditto	6
1835, Decrees signed	21
— Dismisses ditto	12
1836, Decrees signed	27
— Dismisses ditto	7
In all	106

Costs of which were included in my former return.

(signed) *Matthew Hunter,* Seneschal.

Manor of Drumbracklin, alias Downbrackey.

Number of decrees signed in each year, by seneschal or steward of said manor, from 31st December 1833 :

In 1834	2
1835	1
1836	3

No dismisses during the said period.

(signed) *William Malcolm,* Seneschal.

28 April 1837.

Manor of Downpatrick.

1834.	Number of decrees signed	101
—	Ditto of dismisses	6
1835.	Ditto of decrees signed	94
—	Ditto of dismisses	10
1836.	Ditto of decrees signed	63
—	Ditto of dismisses	13
1837.	Ditto of decrees signed (up to date of order)	43
—	Ditto of dismisses - ditto - -	3

(signed) *Alexander Miller,* Seneschal.

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

Manor of Dromore.

The present seneschal of the manor of Dromore, in the county of Down, Ireland, has the honour of stating, that the number of decrees or dismisses signed by him since he came into office, on the 15th day of February 1825, up to the 27th day of April last, were, in all, 562.

3 May 1837. (signed) *Robert Dickson*, Seneschal.

Manor of Florida.

In the year 1834	-	-	8	decrees.	In the year 1834	-	-	3	dismisses.
1835	-	-	7	—	1835	-	-	0	—
1836	-	-	4	—	1836	-	-	0	—
			19					3	

29 April 1837. (signed) *Samuel Duff*, Seneschal.

Manor of Gilford.

1819,	22	decrees and dismisses.		1829,	3	decrees and dismisses.	
1820,	4	-	ditto.	1830,	8	-	ditto.
1821,	7	-	ditto.	1831,	7	-	ditto.
1822,	15	-	ditto.	1832,	14	-	ditto.
1823,	6	-	ditto.	1833,	9	-	ditto.
1824,	6	-	ditto.	1834,	7	-	ditto.
1825,	1	-	ditto.	1835,	9	-	ditto.
1826,	2	-	ditto.	1836,	7	-	ditto.
1827,	4	-	ditto.	1837,	9	-	ditto.
1828,	5	-	ditto.				

29 April 1837. (signed) *C. R. Brush*, Dep. Seneschal.

Manor of Hillsborough.

The number of decrees on verdicts for the several plaintiffs, signed by the seneschal in the year 1834, were - - - - - - - - - - 13
The like in 1835 - - - - - - - - 28
The like in 1836 - - - - - - - - 54
The number of decrees on dismisses signed by the seneschal in 1834 nil.
The like in 1835 - - - - - - - - 2
The like in 1836 - - - - - - - - 7

29 April 1837. (signed) *Thomas Parry*, Seneschal.

Manor of Holywood.

Number of decrees signed by H. Waterson, seneschal of the manor of Holywood, from 31st December 1833 to 31st December 1836 - - 86
The number of dismisses during the same period - - - - 9
Total - - 95

29 April 1837. (signed) *Henry Waterson*, Seneschal.

Manor of Killough.

Year 1834	-	-	-	-	3	decrees	-	-	1 dismiss.
1835	-	-	-	-	2	—	-	-	none.
1836	-	-	-	-	2	—	-	-	none.

3 May 1837. (signed) *John Jennings*, Seneschal.

Manor of Kilmore.

Thirteen decrees; and no dismisses.

29 April 1837. (signed) *Samuel Gray*, Seneschal.

MANOR OF PORTAFERRY.

In all, for three years - - - - - - 97 decrees.
Ditto - - ditto - - - - - - 7 dismisses.

29 April 1837. (signed) *Stev. Gelyton*, Seneschal.

MANOR OF RATHFRYLAND.

1821—November - - - -	3	1831 - - - - - -	92
1822 - - - - - -	37	1832 - - - - - -	90
1823 - - - - - -	29	1833 - - - - - -	85
1824 - - - - - -	33	1834 - - - - -	91
1825 - - - - - -	38	1835 - - - - - -	65
1826 - - - - - -	56	1836 - - - - - -	83
1827 - - - - - -	61	1837—January, February, March	
1828 - - - - - -	63	and April Courts - -	44
1829 - - - - - -	46		
1830 - - - - - -	69	Total - -	985

28 April 1837. *Crane Brush*, Seneschal.

MANOR OF SAINTFIELD, OTHERWISE TONAGHNIEVE.

The year 1834 - - - 28 decrees. - - 5 dismisses.
1835 - - - 25 — - - 6 —
1836 - - - 25 — - - 4 —

These were the number signed by the seneschal; all the other summonses or processes being paid or compromised before coming to trial.

1 May 1837. (signed) *John M'Burney*, Seneschal.

MANOR OF STRANGFORD.

My appointment as seneschal or steward of the manor of Strangford took place on the 4th February 1825. From whence to the last court-day held in and for said manor, that is to say, on the 14th April last, I issued and signed ninety-one decrees and fifty dismisses.

1 May 1837. (signed) *Thos. Henderson*, Seneschal.

MANOR OF LYCONAGHT.

None since the 31st day of December 1833.

(signed) *George Gordon*, Seneschal.

MANOR OF TOLLYMORE.

There have been no decrees or dismisses signed by me, and I have no means of ascertaining the acts of my predecessor.

(signed) *Wm. S. Hill*, Seneschal.

COUNTIES OF DUBLIN AND WICKLOW.

MANOR OF BRAY AND LORDSHIPS OF DELGANY AND KENDLESTOWN.

Number of Decrees signed for the years 1834 - - - - - 18
1835 - - - - - 17
1836 - - - - - 17
Number of Dismisses signed for the years 1834 - - - - - 4
1835 - - - - - 4
1836 - - - - - 4

(signed) *Thos. F. Kelly*, Seneschal.

MANOR OF ST. PATRICK.

No Decrees or Dismisses have been signed by me.

(signed) *J. D. Clarke*, Seneschal.

29 April 1837.

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

MANOR OF THOMAS COURT AND DONORE.

Number of Decrees signed for the years	1834	61
	1835	64
	1836	59
Number of Dismisses signed for the years	1834	5
	1835	4
	1836	4

(signed) *Thos. F. Kelly*, Seneschal.

COUNTY OF FERMANAGH.

MANOR OF CASTLETOWN.

Number of Decrees	81
Number of Dismisses	17

(signed) *Edward Scott*, Seneschal.

MANOR OF DUNBAR.

Number of Decrees:—71 verdicts for decrees in the manor of Dunbar, during 11 years, up to the month of April 1837; but not more than 40 of these verdicts made up into decrees and signed by the proper officer, owing to the plaintiffs not demanding them, the defendants paying the sums pronounced due without further costs.

Number of Dismisses:—15 verdicts for dismisses in the manor of Dunbar, for 11 years, up to the month of April 1837; but only one dismiss signed by the proper officer, the defendants never calling for them.

(signed) *Alexander Trotter*, Seneschal.

MANOR OF DRUMRA.

Number of Decrees:—23 verdicts for decrees in the manor of Drumra, during 11 years, up to the month of April 1837; but not more than 9 of these verdicts made up into decrees and signed by the proper officer, owing to the plaintiffs not demanding them, the defendants paying the sums pronounced due without further costs.

Number of Dismisses:—4 verdicts for dismisses in the manor of Drumra, during 11 years, up to the month of April 1837; but no dismiss signed by the proper officer, the defendants never calling for them.

(signed) *Alexander Trotter*, Seneschal.

MANOR OF LISGOOLD.

Number of Decrees:—99 verdicts for decrees in the manor of Lisgoold, during 11 years, up to the month of April 1837; but not more than 50 of these verdicts made up into decrees and signed by the seneschal, owing to the plaintiffs not demanding them, the defendants paying the sums pronounced due without further costs.

Number of Dismisses:—12 verdicts for dismisses in the manor of Lisgoold, during 11 years, up to the month of April 1837; but no dismisses signed by the seneschal, the defendants never calling for them.

(signed) *Alexander Trotter*, Seneschal.

MANOR OF CASTLETON.

Number of Decrees:—8 verdicts for decrees in the manor of Castleton, during 11 years, up to the month of April 1837; but not more than 4 of these verdicts were made up into decrees and signed by the seneschal, owing to the plaintiffs not demanding them, the defendants paying the sums pronounced due without further costs.

Number of Dismisses:—1 verdict for a dismiss in the manor of Castleton, during 11 years, up to the month of April 1837; but this dismiss not signed by the seneschal, the defendant never calling for it.

(signed) *Alexander Trotter*, Seneschal.

MANOR OF NEWPORTAN.

Number of decrees from 31 December 1833, until 1 December 1836	42
Number of dismisses	0

(signed) *John Armstrong*, Seneschal.

Ballinamallard, 2 May 1837.

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

COUNTY OF GALWAY.

Manor of Castle Bellew.

	Decrees.	Dismisses.
From 31 December 1833, to 31 December 1834, I signed - -	288	154
From 31 December 1834, to 31 December 1835, I signed - -	302	163
From 31 December 1835, to 31 December 1836, I signed - -	402	176
From 31 December 1836, to 1 May 1837, inclusive - - -	148	77
Total Number, from 31 December 1833 - - -	1,140	570

(signed) *Wm. Kilganon,* Seneschal.

Manor of Claremount.

Number of decrees and dismisses issued at the several courts held in this manor for three years:

	Decrees issued.	Dismisses granted.	Total.
For the year 1834 - - -	714	117	831
Ditto - 1835 - - - - -	672	140	812
Ditto - 1836 - - - - -	706	92	798

This is the average number of decrees and dismisses issued at the several courts held in this manor, from the year 1830 to the year 1834.

(signed) *Thomas Evans,* Seneschal.

Manor of Eyrecourt.

Decrees signed since November 1833 - - - - - - 236
Dismisses signed since November 1833 - - - - - - 20

(signed) *Rob. Eyre,* Seneschal.

COUNTY OF KERRY.

Manor of Abbey O'Dorney.

The number of decrees obtained since I came into office are 105; the number of dismisses obtained are 34, up to the present date, and the balance has been agreed to before coming to trial.

(signed) *Thomas Rice.*

1 May 1837.

Manor of Ardfert.

Number of decrees signed by present seneschal since he was appointed, namely, 1st of September 1836 - - - - - - - - - - - - 51
Number of dismisses since seneschal was appointed - - - - - - 27
Cases entered and agreed - - - - - - - - - - - - 4

(signed) *George Thomas Rice,* Seneschal.

Manor of Ballinacourty.

	Decrees.	Dismisses.
From 31st December 1833 to 31st December 1834 - -	325	111
From 31st December 1834 to 31st December 1835 - -	413	126
From 31st December 1835 to 31st December 1836 - -	352	82
	1,090	319

(signed) *Tim. Moriarty,* Seneschal.

Manor Court of Ballyhige, Ballynoe and Ballingary.

Number of decrees - - - 280
Number of dismisses - - - 60

(signed) *Thomas Crosbie,* Seneschal.

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

MANOR OF DUNKERRON.

	Decrees.	Dismisses.
For the year 1834	28	5
1835	45	2
1836	41	3
	114	10

Kenmare, 1 May 1837. (signed) *Daniel Sullivan*, Seneschal.

MANOR OF KILLORGLIN.

The number of decrees signed by me is 210; and the number of dismisses, 30; all since December 1833.

5 May 1837. (signed) *P. M'Kenna*, Seneschal.

MANOR OF ROSS.

Seven hundred and forty-four decrees, and one hundred and thirty-three dismisses, from June 1830 to June 1837.

(signed) *John Murphy*, Seneschal.

MANOR OF MOLAHIFFE.

Five hundred and fifty-five decrees, and two hundred and seventy-seven dismisses, from June 1830 to June 1837.

During the above period, there were about two thousand manor court processes served every year.

(signed) *John Murphy*, Seneschal.

COUNTY OF KILKENNY.

MANOR OF BALLYRAGGETT.

	Decrees.	Dismisses.	Total in Three Years.
In the years 1834	129	19	148
1835	118	13	131
1836	143	33	176
	390	65	455

(signed) *Wm. Phelan*, Seneschal.

NUMBER of Decrees or Dismisses signed by the Seneschal of the following Manor Courts in the County of Kilkenny.

MANOR COURTS.	Number of Decrees signed by Seneschal.	Number of Dismisses signed by Seneschal.	OBSERVATIONS.
Callan	153	33	
Danesfort	6	4	
Knocktopher	75	24	
Gouran	38	24	
Kells	44	10	
Kilmanagh	12	7	
Dunmore	55	37	
Rosbercorn	-	-	No court has been as yet held in this manor.

(signed) *Humphrey Semple*, Seneschal.

6 May 1837.

MANOR OF CASTLE-COMER.

Number of decrees signed from the 31st December 1833 to the 31st December 1836 - 632
Number of dismisses signed from the 31st December 1833 to the 31st December 1836 - 51

(signed) *John Hewetson*, Seneschal.

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

ABSTRACT RETURN of the Number of Suits, Decrees and Dismisses, entered in each of the Courts, for the recovery of Debts not exceeding 5*l.*, in the Counties of Kilkenny and Tipperary, from 20th January 1826 to 31st March 1837.

NAMES OF COURTS.	Number of Suits by Process.	Number of Decrees obtained.	Number of Dismisses obtained.	OBSERVATIONS.
Urlingford, Co. Kilkenny.	1,737	559	77	The Right Honourable the Earl of Kilkenny, Lord of the Manor. Pierse Scully, of Borris Lodge, in the county of Kilkenny, Seneschal; date of appointment, 20 January 1826.
Ballyen, Co. Kilkenny	1,782	564	99	Same observations as above.
Freshford, Co. Kilkenny	333	134	15	William D. Montmorency, Esquire, Lord of the Manor; date of appointment, 16 March 1835.
Glasshare, Co. Kilkenny	2,355	759	105	The Most Noble James Marquis of Ormonde, Lord of the Manor; date of appointment, 6 June 1831.
Killenaul, Co. Tipperary	807	268	57	The Most Noble James Marquis of Ormonde, Lord of the Manor; date of appointment, 16 March 1831.

(signed) *Pierse Scully*, Seneschal.

Borris Lodge, County Kilkenny, 2 May 1837.

COUNTY OF LIMERICK.

MANOR OF MOUNT TRENCHARD.

Since the beginning of the year 1830, (which is the earliest period I can now refer to,) up to the present time, only 31 decrees have been signed by me, as arrangements were uniformly entered into between the parties, plaintiffs and defendants, when decrees ruled; and with regard to dismisses, I have never signed or issued any, it not being at any time sought for by the defendants, in consequence of no fees being chargeable on the entries or trials of defences.

(signed) *Cornelius O'Brien*, Seneschal.

13 May 1837.

COUNTY OF LONDONDERRY.

MANOR OF CASTLE DAWSON.

Manor Court of Castle Dawson is held monthly. The average number of cases tried in each court-day is from ten to four; sometimes the cases extend to 20. There were six dismisses within the last year. The jurisdiction of the court extends to 20 *l.* sterling, against either body or goods, by attachment or decree. From 100 to 50 processes are issued monthly, independent of attachments.

(signed) *Samuel D. Crawford*, Seneschal.

29 April 1837.

MANOR OF DRAPERS.

	Decrees.	Dismisses.
1834	66	23
1835	52	22
1836	100	17

(signed) *Rowley Miller.*

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

Manor of Magherafelt.

The number of decrees in the year 1834, was one hundred and thirty; 1835, one hundred and thirty-six; 1836, one hundred and thirty-nine.

(signed) *Josiah Bryan*, Seneschal.

Manor of Maghera.

	Decrees.	Dismisses.
1834	20	7
1835	24	4
1836	28	6
1837	16	0

(signed) *John Savage*, Seneschal.

8 May 1837.

Manor of Mercers.

	Decrees.	Dismisses.
In the year 1834	23	2
In the year 1835	26	2
In the year 1836	32	2
Total	81	6

N. B.—In the year 1834, there were three decrees; in the year 1835, there were seven decrees; and, in the year 1836, there were seven decrees: (all of which were for small sums, and were paid before the decrees were signed,) not included in the above number.

(signed) *John Henderson*, Seneschal.

2 May 1837.

COUNTY OF MAYO.

Manors of Dayne and Ballynock.

One hundred and nineteen decrees signed.
Four dismisses signed.

(signed) *G. Hemming*, Seneschal.

29 April 1837.

Manor of Killalla.

The number of decrees signed by me since 1833 were sixty-one, and eight dismisses.

(signed) *James Cooper*, Seneschal.

1 May 1837.

Newport Manor Court.

Number of decrees signed	26
Number of dismisses signed	2

(signed) *W. Lundy*, Seneschal.

COUNTY OF MONAGHAN.

Manor Court of Castleblayney.

Decrees	25
Dismisses	1

(signed) *A. O. B. Bellingham*, Seneschal.

3 May 1837.

Manor Court of Castleshane.

	Levaries or Decrees.	Dismisses.	Total Number of Decrees and Dismisses.
From 31st December 1833, to 31st December 1834 -	28	3	31
From 31st December 1834, to 31st December 1835 -	25	5	30
From 31st December 1835, to 31st December 1836 -	19	3	22
	72	11	83

In several cases the amount of levaries or decrees were paid by instalments.

(signed) *Andrew Swanzy*, Seneschal.

3 May 1837.

Manor of St. Tierney.

It is not in my power to give an account of the acts of my predecessor before the year 1817; nor, indeed, without going to Clones for the purpose, could I make a return of my own acts previous to the time limited by the last order of the Committee; that is, since the year 1833.

From that period I find that I have signed twenty-five levaries.

I have never been required to sign a dismiss, the entry of the dismiss being deemed sufficient by the parties.

(signed) *N. Ellis*, Seneschal.

2 May 1837.

QUEEN'S COUNTY.

Manor of Brittas.

In the year 1834, there was no dismiss applied for or signed by the seneschal of the manor of Brittas.

In the year 1835, no dismiss applied for or signed by the seneschal.

In the year 1836, one dismiss applied for and signed by the seneschal.

In the year 1837, no dismiss applied for or signed by the seneschal.

Dismisses are seldom applied for, being no benefit to the defendant.

(signed) *Wm. Drew*, Seneschal.

29 April 1837.

Manors of Portarlington and Charleston.

Decrees, forty-three; dismisses, twenty-two; number of processes signed by seneschal, about two hundred.

(signed) *Wm. Grange.*

Register Office, Portarlington, 2 May 1837.

I believe the above return to be correct.

(signed) *W. F. Mara*, Seneschal.

3 May 1837.

Manor of Shrewl.

YEAR.	Decrees signed.	Dismisses signed.	Decrees not raised.	Dismisses not raised.
1832 - -	3	–	9	–
1833 - -	20	–	10	11
1834 - -	15	–	21	4
1835 - -	14	–	23	7
1836 - -	24	3	19	13
1837 - -	8	–	1	–
Total - -	84	3	83	35

(signed) *John Dallas Edge*, Seneschal.

4 May 1832.

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

COUNTY OF ROSCOMMON.

Manor of Boyle.

	Decrees.	Dismisses.
1834	88	28
1835	80	12
1836	97	17
	265	57

(signed) *Thomas Bruen*, Seneschal.

COUNTY OF SLIGO.

Manor of Markree.

Decrees	63
Dismisses	10

(signed) *W. Collis*, Seneschal.

4 May 1837.

COUNTY OF TIPPERARY.

Manor of Everard's Castle.

	Decrees.
1834	65
1835	80
1836	66
	Dismisses.
1834	7
1835	10
1836	16

COUNTY OF TYRONE.

Manor of Artrea.

Decrees signed	432
Dismisses signed, about	16

(signed) *John Collins*, Seneschal.

8 May 1837.

Manor of Arleston.

Decrees	418
Dismisses	123

(signed) *George Bradley*, Seneschal.

Manor of Benburbe.

In my answer to former queries respecting the manor court of Benburbe, I mentioned that my return embraced the trials of but one day, when ten cases were disposed of; resulting from which,

Six decrees were signed. Three decrees held back, the defendants having three months to pay the amount of verdict, in three instalments.

One dismiss not signed; defendant not having applied for it.

29 April 1837. (signed) *G. D. Cranfield*, Seneschal.

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

Manor Court of Caledon.

Place where held.	1834.		1835.		1836.	
	Decrees.	Dismisses.	Decrees.	Dismisses.	Decrees.	Dismisses.
Caledon -	28	5	20	–	14	4

(signed) *Henry L. Prentice*, Seneschal.

Manor Court of Castlestuart.

Decrees granted - - - - - - - - 515
Dismisses - - - - - - - - 47

(signed) *William Magill*, Seneschal.

6 May 1837.

Manor Court of Donaghmore.

The number of decrees and dismisses which have occurred or been tried in the manor court of Donaghmore, commencing on the 2d day of December 1833, and ending on the 1st day of May 1837; viz. the number of decrees are 197; the dismisses are thirty-six, as correct as possible. There has been a good quantity of cases which has been entered for trial during the above period, which has not been tried in consequence of the parties agreeing the matters amongst themselves; which came not before me in my court books whatever, as the parties agreeing and paying the debt or debts, or the plaintiff giving time to the defendant until the defendant could pay with conveniency.

(signed) *Daniel M'Kenzie*, Seneschal.

7 May 1837.

Manor of Dungannon.

Since my appointment as seneschal of the manor court of Dungannon in July last, out of fifty-five cases tried I have, on reference to my books, (which I have every reason to believe are correct,) signed ten decrees and nine dismisses.

12 May 1837. (signed) *Henry Pole*, Seneschal.

Manor of Fina.

Number of decrees - - - - - - - 25
Ditto - dismisses - - - - - - —

(signed) *George Monteith*, Seneschal.

Manor Court of Forward.

I acted as seneschal of said manor court since the month of September last, 1836, a period of six months or thereabouts, during which time 40 cases were entered for trial: 6 were settled before trial; 11 would have been dismissed in the event of trial; 22 decrees were obtained, and a dismiss in one case: 17 of the decrees were signed by me, and the greater number of them were paid before execution. I have never yet been called upon by any of the defendants to sign dismisses, but would have done so had they been required; nor do I recollect of any case having been tried a second time; neither was there a single appeal lodged since I became seneschal of said manor court; all which I certify at Mount Hamilton, near the post-town of Dungannon, in the county of Tyrone, Ireland, this 1st day of May 1837.

(signed) *James M'Neece*, Seneschal.

Manor of Killyfaddy, or Killyfuddy.

Decrees or Levaries:—From the 31st December 1833 to the present date, signed three.
Dismisses:—None.

(signed) *John Carson*, Seneschal.

P. S.—From living in the middle of the manor, I discouraged law proceedings, and seldom failed in having disputes settled by arbitration.

2 May 1837. *J. C.*

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

MANOR COURT OF MAYNOR, ALIAS BALLIGURLY.

RETURN of TRIALS from 31 December 1833 to 21 April 1837.

1834:

January 3.—Adjourned.

January 17th.—John Quin, plaintiff, *a.* Edward M'Gartland and Ann M'Gartland, defendants; decree for 12 *s.*; costs, 5 *s.* 6 *d.*

January 31.—James Bell, plaintiff, *a.* Simeon Hazleton, defendant; decree for 12 *s.* 6 *d.*; costs, 5 *s.* 6 *d.*

February 14.—Adjourned.

February 28.—Hugh Conlan, plaintiff, *a.* Bernard Derlin, defendant; decree for 1 *l.* 2 *s.* 8 *d.*; costs, 5 *s.* 6 *d.*

March 14.—Adjourned.

March 28.—Adjourned.

April 11.—Two trials: Peter M'Crory, plaintiff, *a.* Mary M'Crory, defendant; decree for 1 *l.* 16 *s.* 10 *d.*, and costs 5 *s.* 6 *d.* James Clarke, plaintiff, *a.* James Moses, defendant; decree for 7 *s.* 6 *d.*, and costs 5 *s.* 6 *d.*

April 25.—Two trials: Owen M'Cluskey, plaintiff, *a.* Edward M'Gartland and John M'Gartland, defendants; decree for 5 *s.* and costs. Patrick Hoins, plaintiff, *a.* Patrick M'Mullen, defendant; decree for 5 *s.* and costs.

May 9.—Adjourned.

May 23.—John Gray, plaintiff, *a.* Samuel Maison, defendant; decree for 3 *s.* and costs.

June 6.—Thomas Drayan, plaintiff, *a.* Hugh Rane, defendant; decree for 1 *l.* 16 *s.* 10 *d.*, and costs 5 *s.* 6 *d.*

June 20.—Adjourned.

July 4.—Adjourned.

July 18.—Adjourned.

August 1.—Adjourned.

August 15.—Bernard Loughren, plaintiff, *a.* Patrick M'Iver, defendant; decree for 1 *l.* 5 *s.*, and costs 5 *s.* 6 *d.*

August 29.—George Means, plaintiff, *a.* William Cole, defendant; decree for 1 *l.* 16 *s.* 10 *d.*, and costs 5 *s.* 6 *d.*

September 12.—Adjourned.

September 26.—Samuel Wilson, plaintiff, *a.* James Miles, defendant; decree for 1 *l.* 9 *s.* 2 *d.*, and costs 5 *s.* 6 *d.*

October 10.—Adjourned.

October 24.—Adjourned.

November 7.—Adjourned.

November 21.—Hugh M'Caffrey, plaintiff, *a.* Andrew Little, defendant; a split jury.

December 5.—Same trial: a split jury.

December 19.—William Campbell, plaintiff, *a.* Charles Russell, defendant; decree for 1 *l.* 13 *s.*, and costs 5 *s.* 6 *d.*

1835:

January 2.—Adjourned.

January 16.—Adjourned.

January 30.—Adjourned.

February 13.—John M'Clusky, plaintiff, *a.* William M'Gowan, defendant; decree for 10 *s.*, and costs 5 *s.* 6 *d.*

February 27.—Adjourned.

March 13.—Stewart Simpson, plaintiff, *a.* James Cooke, defendant; decree for 1 *l.* 16 *s.* 10 *d.*, and costs 5 *s.* 6 *d.*

March 27.—Adjourned.

April 10.—Adjourned.

April 24.—Adjourned.

May 8.—Three trials: Andrew Little, plaintiff, *a.* Jane Hull, defendant; decree 1 *l.* and costs. John M'Gonnoll, plaintiff, *a.* Francis Donnolly, defendant; decree 1 *l.* 16 *s.* 10 *d.* and costs. Michael M'Reering, plaintiff, *a.* Felix Goodfellow, defendant; decree for 1 *l.* 11 *s.* 6 *d.* and costs.

May 22.—Adjourned.

June 5.—Adjourned.

June 19.—Adjourned.

July 3.—Adjourned.

July 17.—Adjourned.

July 31.—Adjourned

August 14.—Archibald Galbraith, plaintiff, *a.* Hamilton Smith and James Smith, defendants; a dismiss.

August 28.—Andrew Little, plaintiff, *a.* Jane Hull, defendant; decree for 1 *l.* 16 *s.* 6 *d.*, and costs 5 *s.* 6 *d.*

September 11.—Adjourned.

September 25.—Adjourned.

October 9.—Samuel Wilson, plaintiff, *a.* James Miles, defendant; a dismiss.

October 23.—Adjourned.

November 6.—Owen M'Knight, plaintiff, *a.* Patrick Rogers, defendant; decree for 1 *l.* and costs; appealed.

1835:

November 20.—Adjourned.

December 4.—Michael Grimly, plaintiff, *a.* Patrick Lamb, defendant; split jury.

December 18.—Same trial as Dec. 4; split jury. Thomas Drugan, plaintiff, *a.* Peter Conry and John Conry, defendants; decree for 13 *s.* and costs.

1836:

January 1.—Francis Montague, plaintiff, *a.* George Russell, defendant; split jury. Francis Russell, plaintiff, *a.* John Donnolly, defendant; decree for 18 *s.* 5 *d.* and costs.

January 15.—Adjourned.

January 29.—Adjourned.

February 12.—Two trials: Robert Beatty, plaintiff, *a.* James M'Dowell, defendant; split jury. Francis Montague, plaintiff, *a.* George Russell, defendant; decree for 1 *l.* 16 *s.* 10 *d.*, and costs.

February 26.—Adjourned.

March 11.—Adjourned.

March 25.—Biddy Carroll, plaintiff, *a.* Richard Magin, defendant; decree for 1 *l.* and costs.

April 8.—Stephen M'Cann, plaintiff, *a.* Daniel Casey, defendant; decree for 1 *l.* and costs.

April 22.—Adjourned.

May 6.—Robert Clements, plaintiff, *a.* David White, defendant; a split jury.

May 20.—James Bell, plaintiff, *a.* Peter M'Cann, defendant; decree for 1 *l.* 1 *s.* and costs.

June 3.—Peter M'Nunee, plaintiff, *a.* Owen M'Nunee, defendant; a split jury.

June 17.—Adjourned.

July 1.—Patrick Rogers, plaintiff, *a.* William Cann, defendant; decree for 8 *s.* and costs.

July 15.—Adjourned.

July 29.—Adjourned.

August 12.—Adjourned.

August 26.—Thomas Drayan, plaintiff, *a.* John Donnolly, defendant; decree for 1 *l.* 16 *s.* 10 *d.*, and costs.

September 9.—Adjourned.

September 23.—Four trials: Thomas Drayan, plaintiff, *a.* John Donnolly, defendant; decree for 1 *l.* 0 *s.* 10½ *d.*, and costs. Patrick Magaraty, plaintiff, *a.* John M'Bride, defendant; a split jury. George Means, plaintiff, *a.* Michael Fitzpatrick, defendant; decree for 1 *l.* 5 *s.* 3 *d.*, and costs; appealed. George Means, plaintiff, *a.* William Busby, defendant; decree for 1 *l.*, and costs.

October 7.—Adjourned.

October 21.—Adjourned.

November 4.—Adjourned.

November 18.—Adjourned.

December 2.—Adjourned.

December 16.—Adjourned.

December 30.—Adjourned.

1837:

January 13.—Thomas Magaraty, plaintiff, *a.* James Moses, defendant; decree for 3 *d.*, and costs; appealed. Michael Conway, plaintiff, *a.* William Bullintin, defendant; decree for 8 *s.* and costs; appealed. James Maison, plaintiff, *a.* Jane Davis and James Hughey, defendants; decree for 3 *s.* 7½ *d.* and costs; appealed. Patrick Magaraty, plaintiff, *a.* John M'Bride, defendant; decree for 4 *s.* 6 *d.* and costs.

January 27.—James Moses, plaintiff, *a.* Thomas Magaraty, defendant; dismiss against plaintiff. Patrick Rogers, plaintiff, *a.* Robert Simpson, defendant; decree 1 *l.* and costs.

February 10.—William M'Clushy, plaintiff, *a.* Henry Montague, defendant; a split jury.

February 24.—Adjourned.

March 10.—Adjourned.

March 24.—P. W. M'Rane, plaintiff, *a.* Michael Teague, defendant; decree for 18 *s.* 6 *d.*, and costs. John Rogers, plaintiff, *a.* Idle Conry, defendant; decree for 11 *s.* 2 *d.* and costs. Stewart Hamilton, plaintiff, *a.* Michael M'Coray, defendant; a split jury. William M'Clushy, plaintiff, *a.* Henry Montague, defendant; decree 1 *l.* 9 *s.* 6 *d.*, and costs; appealed.

April 7.—Idle Conry, plaintiff, *a.* Thomas Handcock, defendant; decree for 11 *s.* 2 *d.*, and costs. Stewart Hamilton, plaintiff, *a.* Michael M'Crory, defendant; a split jury.

April 21.—William Robinson, plaintiff, *a.* Francis Donnolly, defendant; decree for 19 *s.* 6 *d.* and costs. Michael M'Coray, plaintiff, *a.* Hugh M'Crory, defendant; a split jury.

(signed) *Dean Nunn*, Seneschal.

Manor of Stoy.

From 31 December 1833, to 21 March 1837 - - 62 Decrees.
From 31 December 1833, to 21 March 1837 - - 22 Dismisses.

(signed) *Andrew Crawford*, Seneschal.

29 April 1837.

Appendix (B.)

Decrees signed by Seneschals of Manor Courts.

MANOR OF TUTCHETT.

Decrees	256
Dismisses	41

(signed) *George Bradley*, Seneschal.

COUNTY OF WATERFORD.

MANOR OF LISMORE.

Decrees issued	27
Dismisses	1

(signed) *Henry Witham*, Seneschal.

MANOR OF DUNGARVAN.

The seneschal of Dungarvan begs leave to say, that it is out of his power to make a return of the number of decrees or dismisses signed by him, there being no such record on his court books. He may be permitted to remark, that in many cases after a decree is granted, the parties arrange their differences without requiring that it should be signed. He would beg leave to refer the Committee to his return of the 17th April.

(signed) *John Hudson*, Seneschal.

COUNTY OF WESTMEATH.

TWYFORD MANOR.

The number of decrees and dismisses, for thirty years, signed by the under-named seneschal during his presidency, amount to 7,262.

(signed) *Thomas Wyly*, Seneschal.

29 April 1837.

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N. B.—In the following Index the *Figures* following the Names refer to the number of the Question in the Evidence; and *App. p.* to the page of the Appendix.

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Abbey Mahon Manor Court. Places over which jurisdiction extends; date of patent; extent of pecuniary jurisdiction, and how enforced; description of causes tried; number of courts held annually; number of causes entered, and number tried; amount of fees charged; sums recovered and costs incurred, &c. *App. p.* 334——Number of decrees and dismisses signed by the seneschal since December 1833, *App. p.* 475.

Abolition of Court. See *Manor Courts.*

Actions. Witness considers he should be subject to an action for any malpractices he might commit, *Taylor* 636——At Moylinny manor court actions were entertained which had not accrued within the manor, *Sausse* 4354.
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3. *Suggestions for the prevention of Vexatious Appeals.*

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Ballymoodan Manor Court. Places over which its jurisdiction extends; date of patent; extent of pecuniary jurisdiction, and how enforced; description of cases tried; number of courts held annually; number of cases entered, and number tried; number of appeals; amount of fees charged, and sums recovered, &c., *App. p.* 337——Number of decrees and dismisses signed by the seneschal in each year from December 1833, *App. p.* 476.

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Belfast Manor Court. Its jurisdiction extends to 20 *l.*, while the assistant barrister's court, till lately, was limited to 10 *l.*, *Davison* 2229-2233——Places to which its jurisdiction extends; date of its charter; extent of its pecuniary jurisdiction; sum charged for costs; its power with respect to imprisonment; number of appeals and reversals of decrees, &c. *App. p.* 293, 294——Number of decrees and dismisses signed by the seneschal since 1833, *App. p.* 469.——*See* also *Currency.*

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Blank Forms. Seneschal at Moylinny in the habit of signing blank forms of attachment, and selling them so much per dozen, and examination thereon, *Sausse* 4357. 4519–4527——Charge against the seneschal of Grangegorman of leaving decrees signed in blank with the registrar wholly unfounded, *Cole* 1803.

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Dublin Police. Day police of Dublin very defective, *Kelly* 432.

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Fermoy. Number of times annually assistant barrister's courts are held thereat, *Hume* 2529. 2534. 2544.

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Freshford Manor Court. Townlands comprised within the manor; date of patent, and to whom granted; extent of pecuniary jurisdiction, and how enforced; number of courts held annually; number of cases entered for trial, and number tried; fees charged by the seneschal, and amount of costs incurred on sums recovered, &c., *App. p.* 434, 435—— Number of suits by process; decrees and dismisses obtained from January 1826 to March 1837, *App. p.* 485.

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Goods. Reason why it is necessary to detain a man's goods under process of attachment when he is not going away from the manor, *Raughan* 5085——Manner in which goods are disposed of after decrees are signed, *Taylor* 513——Those seized under process of attachment generally deposited with the plaintiff until bail is tendered, *Ruthven* 4682–4688——All goods taken in execution by the bailiff of Grangegorman are deposited in the marshal's store in Manor-street, *Cole* 1899–1906.

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Goods Sold and Delivered. Causes relating to goods sold and delivered tried in the Dublin manor courts, *Kelly* 191.——*See* also *Causes of Action.*

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1. *Extent of the Jurisdiction:*

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